



THE LIBRARY
OF
THE UNIVERSITY
OF CALIFORNIA
LOS ANGELES

LIBRARY OF CONGRESS

JOURNALS OF THE
CONTINENTAL CONGRESS

1774-1789

EDITED FROM THE ORIGINAL
RECORDS IN THE LIBRARY OF
CONGRESS BY ROSCOE R. HILL

Volume XXXII. 1787

January 17-July 20

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON

1936

College
Library

10
A5
v. 32

PRINCIPAL CONTENTS

PREFATORY NOTE	Page vii-x
CREDENTIALS OF DELEGATES	2-8, 10, 11, 30, 43-45, 57-58, 60-61, 81-82, 122-123, 131-132, 157-158, 205-206, 215, 251, 298-299, 310, 449, 486-487, 529-530.

FINANCIAL AFFAIRS:

TREASURY DEPARTMENT	464, 481-482, 509-510
CLAIMS AND ACCOUNTS OF INDIVIDUALS	passim
REQUISITIONS AND LOANS	33, 34, 37, 210, 227-228, 252-253, 305, 345, 569-585, 616, 632-636, 649-659
ACCOUNTS OF STATES	171-172
CIVIL LIST SALARIES	128-131, 149-150
COPPER COINAGE	160-164, 221, 223-225, 272, 301-302, 303-304, 403-405, 409, 631
ORDINANCE FOR SETTLING ACCOUNTS	141, 206-209, 258, 392, 586
INDENTS	83, 85, 320-327
FOREIGN LOANS	27, 412-415, 506, 589-593, 649, 673

FOREIGN RELATIONS:

FRANCE	15, 91, 423-427, 464-465, 685-686
GREAT BRITAIN	124-125, 177-184, 229-230, 253-255, 378-380, 444-445, 553-555, 604-606
NETHERLANDS	83, 522-525, 676, 678-683
PORTUGAL	14, 16-17
SPAIN	147-148, 152, 184-204, 210, 216-220, 277, 289-290, 299-300, 598, 630-631, 666-668, 675-676, 677-678
CONSULS	18-21, 25, 88-90, 108, 142-146, 249, 549, 550-552, 616, 693-694
MOROCCAN TREATY	176, 273, 355-364, 392-399
CAPTIVES IN ALGIERS	250, 364-365, 441-443, 664-665
CONFEDERACY AGAINST BARBARY STATES	419-420, 451-453
RETURN OF ADAMS	415-418, 446-448, 517-522, 611, 612-615
REAPPOINTMENT OF JEFFERSON	665, 688-689

	Page
RELATIONS OF STATES:	
SOUTH CAROLINA-GEORGIA BOUNDARY	13-14, 440, 467-477
SOUTH CAROLINA CESSION	466-467
AGREEMENT OF NEW YORK AND MASSACHUSETTS	231, 483, 617-629
MARYLAND AND VIRGINIA	271-272
WESTERN TERRITORY:	
LANDS	155-157, 213, 222, 225-227, 231, 238-241, 242-243, 276, 311-313, 345- 346, 350-351, 376-377, 399-401, 427-430, 514-516, 598-599, 666, 692-693, 695-696, 697-698, 701-702.
WESTERN POSTS	266-269
GOVERNMENT	242, 274-275, 281-283, 313-320, 333, 334-343, 593, 599-602, 610, 686
COMMISSIONS OF OFFICERS	694, 698-700
CONVENTION OF THE STATES:	
THE CONSTITUTION	71-74, 116-117, 487-503, 540-544, 549
MILITARY AFFAIRS:	
ORDNANCE AND MILITARY STORES	109-114, 137-139, 235-236, 244-246, 274
MILITARY ESTABLISHMENT AND TROOPS	32, 39-40, 57, 61, 62-64, 105-106, 153-154, 158-160, 255-256, 349, 437-438, 440, 505, 544-545, 596-597, 602-604.
SHAY'S REBELLION	24, 38-39, 93-105
INDIAN AFFAIRS	23, 27, 28, 66-70, 166, 237, 302, 327-332, 347- 348, 353-355, 365-376, 385-391, 406-408, 410-411, 441, 449-450, 454-463, 477-481, 503-504, 511, 513, 531, 611-612, 665-666, 696, 706-707, 709-713, 714.
POST OFFICE:	
ORDINANCE	45-46
MAILS AND POST ROADS	56-57, 58-60, 78-80, 228, 349, 401-402, 409, 418, 531-533, 536-537, 593, 647-649, 671-673, 684, 694-695.

Principal Contents

v

	Page
JOHN PAUL JONES AND PRIZE MONEY	383-384, 555-569, 636-639, 645-646, 659-664, 687-688, 689- 690, 703, 705-706, 713.
SEA LETTERS	61-62, 82, 252, 467, 516, 704-705
SEAT OF GOVERNMENT	167-170, 279-280, 284-287
CANADIAN REFUGEES	527-528, 594, 665
MOTIONS (NOT ENTERED IN JOURNAL)	56, 57, 83, 85, 106, 141, 210, 215, 238, 242, 304, 405, 450, 463, 464, 511, 543, 593, 606, 616, 631, 648, 690, 706.
PUBLIC PRINTER	450-451, 465, 606
STRIKING OF MEDALS	421-423
MADISON'S NOTES	719-739
APPENDICES	743-750
BIBLIOGRAPHICAL NOTES	751-762
INDEX	763-789

PREFATORY NOTE

The Continental Congress, during 1787, continued its labors under difficulties due to the lack of attendance of sufficient States for the conduct of business. It was not until January 17, 1787, that a quorum of seven States was present and the Congress was organized for the Federal year 1786-87. From that date until October 27, the last day on which a quorum was present, there were 112 days on which the Congress assembled and transacted business. The following table shows the attendance of the various States upon these days.

	Full representation (2 or more delegates)	One delegate present	No delegate present
	<i>Days</i>	<i>Days</i>	<i>Days</i>
New Hampshire.....	4	23	85
Massachusetts.....	104	8	0
Rhode Island.....	13	50	49
Connecticut.....	53	13	46
New York.....	112	0	0
New Jersey.....	103	4	5
Pennsylvania.....	101	6	5
Delaware.....	74	26	12
Maryland.....	7	30	75
Virginia.....	106	2	4
North Carolina.....	104	2	6
South Carolina.....	62	23	27
Georgia.....	84	(22) 23	5

Upon these days 11 States were fully represented on 4 days; 10 States on 6 days; 9 States on 39 days; 8 States on 35 days; and 7 States on 28 days. On most of the days one or more of the remaining States were represented by one del-

egate. However, there were only 2 days on which there was a delegate present from each of the 13 States. The Journal also records the attendance of 6 or less States on 102 days, but there was no State that had a full representation for every day for which an entry was made. The entries of November and December indicate the arrival of the complete representation of 6 States and single delegates of 2 others for the sessions of the Federal year 1787-88.

Despite the handicap of poor attendance a great amount of business was done by the Congress during this year as is attested by the record presented in this volume. Early in the year the Congress provided for a Convention of the States to meet and consider amendments to the Articles of Confederation and pending the outcome of the deliberations of this body, which prepared the draft of a new constitution, the Congress was particularly inactive. To receive the report of the Convention and refer it to the States, delegates from 11 States assembled for several days late in September, which was the only time during the year when that number of States was present.

Many other problems were before the Congress. The question of the western lands and the government of the Western Territory received much attention. A resolution fixing the powers of the Board of Treasury to contract for the sale of lands, and the enactment of the Ordinance of 1787 for the government of the Western Territory were solutions for these matters. As in preceding years the claims of individuals gave much work to the Congress as well as to the Board of Treasury and the Secretary at War. Consideration was also given to the settlement of the accounts between the individual States and the Federal Government, and the Ordinance of May 7, 1787, on this subject was adopted. The question of providing a sufficient revenue for the Federal establishment demanded extended discussion and considera-

tion of a requisition on the States for the year. Important problems in the relations with France, Great Britain, Spain, and Portugal, as well as changes in diplomatic representation and the redemption of captives in Algiers, occupied much of the attention of the delegates. A treaty of peace and friendship with Morocco was ratified and published. Indian affairs, matters in connection with the Post Office Department, and interstate questions likewise came in for a share of the time of Congress.

In 1787 the Secretary's office kept, besides the Public Journal and the Secret Foreign and Domestic Journals, various other auxiliary records which have been utilized in editing this volume. These include the *Record of Credentials* (*Papers of the Continental Congress*, No. 180, I), the *Despatch Book* (No. 185, IV), *Committee Reports* (No. 189), the *Committee Book* (No. 190), *Ordinances* (No. 175), *Western Territory* (No. 176), the *President's Letter Book* (No. 16), the *Secretary's Letter Book* (No. 18B), and *Ratifications of the Constitution*. The endorsements on the original documents from the files of the Secretary's office also furnished much pertinent information as to the proceedings.

As in the preceding volumes, in addition to the Journal entries, the credentials of the delegates, motions, committee reports, reports of the Secretary of Congress, and reports of the heads of the departments, all of which were laid before Congress, are included in this volume in order to give as complete a presentation as possible of the workings of that august body. The names of committee members and a notation of letters and petitions received and read in Congress are given in the footnotes.

A report of the Board of Treasury of March 19, 1787, is taken from a photostat copy of the volume entitled *Reports of the Board of Treasury A*, the original of which is in the New York Public Library. The notes of James Madison on

the debates of the Congress for a part of the year are taken from the manuscript copy in the Library of Congress. The lists of reports formed by Charles Thomson, in November 1786, at the close of the sessions of the Congress of 1785-86, showing the unfinished business and the subjects which had been negatived or were obsolete, are given in an appendix. Bibliographical notes on the imprints of the Congress for 1787 are also included.

ROSCOE R. HILL, *Editor*.

HERBERT PUTNAM, *Librarian*.

APRIL 1935.

JOURNALS OF THE CONTINENTAL CONGRESS

1787

WEDNESDAY, JANUARY 17, 1787.

Congress assembled. Present

Massachusetts	M ^r R[ufus] King and M ^r N[athan] Dane
Connecticut	M ^r W[illiam] S[amuel] Johnson and M ^r S[tephen] M[ix] Mitchell
New York	M ^r M[elancton] Smith and M ^r J[ohn] Lawrence
New Jersey	M ^r L[ambert] Cadwallader M ^r A[braham] Clarke and M ^r J[ames] Sheurman
Pensylvania	M ^r W[illiam] Irvine and M ^r S[amuel] Meredith
South Carolina	M ^r J[ohn] Bull M ^r C[harles] Pinckney M ^r [John] Kean M ^r [Daniel] Huger and M ^r J[ohn] Parker
Georgia	M ^r W[illiam] Few and M ^r W[illiam] Pierce

and from North Carolina M^r W[illiam] Blount.

The Credentials of the respective delegates being read Congress proceeded to the election of a president but not coming to a choice adjourned till to morrow.

[Credentials of Massachusetts delegates ¹]

The Commonwealth of Massachusetts

(Seal) To our trusty and well beloved Rufus King Esq^r
of Newbury Port in our County of Essex. Greeting

Whereas the General Court of our Commonwealth aforesaid, did on the twenty seventh day of June A^o D¹ 1786, agreeable to the Constitution of our said Commonwealth appoint The Hon: ^{b¹e} Rufus King, Esq^r a Delegate to represent our said Commonwealth in the Congress of the United States for one year commencing the first Monday in November 1786.

Now therefore Know ye, that we do by these presents and in pursuance of the said appointment Commission you the said Rufus King Esq^r to represent our said Commonwealth in Congress, and vest you with all and singular the powers and authorities to the said office or place of Delegate belonging by virtue of the Constitution of said Commonwealth and the appointment aforesaid, and to hold said Office until the first Monday in November 1787. And you the said Rufus King Esq^r are hereby required to observe the instructions which from time to time shall be given to you by the General Court of our said Commonwealth.

In Testimony whereof we have caused our Publick Seal to be hereto affixed.

Witness James Bowdoin Esq^r our Governor and Commander in Chief at Boston the fourteenth day of October A^o D¹ 1786; and in the Eleventh Year of the Independence of the United States of America.

JAMES BOWDOIN

By His Excellency's Command

JOHN AVERY jun^r *Secretary*

¹ Original credentials of King and Dane, indorsed as read January 17, 1787, by Thomson, *Papers of the Continental Congress*, Massachusetts Credentials. They are copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, pp. 179-182. The credentials of the Massachusetts delegates were first read November 6, 1786, as indicated by the notation in the *Record of Credentials*, under which date that of Gorham is printed in *Journals*, vol. XXXI, p. 929, but those of King and Dane are not there mentioned. The credentials of Dane are identical with those of King and are therefore not printed.

[Credentials of Connecticut delegates ¹]

State of Connecticut

At a General Assembly of the State of Connecticut holden at Hartford in said State, on the second Thursday of May Anno Domⁱ 1786.

This Day being appointed by Law for the Choice of Delegates to represent the State of Connecticut at the Congress of the United States of America Proclamation was made in manner

(Seal)
accustomed, and then the Votes of the Freemen were given in to the Persons appointed by the Assembly to receive sort and Count them and to declare the Names of the Persons Chosen to Office aforementioned according to Law.

Which Persons so appointed are Benjamin Huntington Esq^r Cap^t Jonathan Bull M^r Simeon Bristol M^r Thomas Skinner M^r William Hawley Cap^t Daniel Tilden Cap^t Simeon Smith and Cap^t Cornelius Higgins, who were all sworn to a faithfull discharge of that Trust.

And the Votes of the Freemen being brought in sorted and Counted, William Samuel Johnson Esq^r Jonathan Sturges Esq^r, Joseph Platt Cook, Esq^r, Stephen Mix Mitchel Esq^r John Canfield Esq^r James Hilhouse Esq^r and James Wadsworth Esq^r are Chosen and were publickly declared to be Delegates to represent the State of Connecticut, in the Congress of the United States of America according to Law.

A true Copy of Record

Examin'd By GEORGE WYLLYS *Secret*.

[Credentials of New York delegates ²]

[Credentials of New Jersey delegates ³]

The State of New Jersey.

(Seal)
To the Honorable Lambert Cadwalader,
Abraham Clark and James Scheurman Esquires.

Greeting.

The Council and Assembly, reposing especial Trust and Confidence in your Integrity, Prudence and Ability, have, at a Joint Meeting,

¹ Original, indorsed as read January 17, 1787, *Papers of the Continental Congress*, Connecticut Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, p. 194-195, where there is the marginal note "Entered the 28th December, 1786".

² Printed in *Journals*, vol. XXX, p. 123-124.

³ Original on parchment, indorsed as read January 17, 1787, in *Papers of the Continental Congress*, New Jersey Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, p. 185.

appointed you the said Lambert Cadwalader, Abraham Clark and James Scheurman, or any two of you to represent and vote in behalf of this State in the Congress of the United States of North America from this day until the first Monday in November One Thousand seven hundred and Eighty seven unless a new Appointment shall sooner take place.

In Testimony whereof the Great Seal of the State is hereunto affixed Witness William Livingston Esquire Governor Captain General and Commander in Chief in and over the State of New Jersey and Territories thereunto belonging Chancellor and Ordinary in the same at Trenton the seventh Day of November in the Year of our Lord One Thousand seven hundred and eighty-six and of our Sovereignty and Independence the Eleventh.

WIL: LIVINGSTON

By His Excellency's Command
BOWES REED *Sec^y*

[Credentials of William Irvine, Pennsylvania ¹]

In the Name and by the Authority of the Freemen of the Commonwealth of Pennsylvania.

The Supreme Executive Council, of the said Commonwealth, To
The Honorable William Irvine Esquire

(Seal) Whereas, the General Assembly of this Commonwealth have, by their Act of the thirty first Day of

Cha^s Biddle October in the Year of our Lord one thousand seven hundred and eighty six elected you a Delegate to represent this State in the Congress of the United States, You are therefore hereby commissioned as such.

Given in Council, under the Hand of The Honorable Charles Biddle esquire, Vice President, and the Seal of the State, at Phila-

¹ Original indorsed December 7, 1786, *Papers of the Continental Congress*, Pennsylvania Credentials. It is a printed form on parchment filled in by hand. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, p. 191, where Thomson placed on the margin "Decr. 7, 1786." The credentials of Meredith and the certificate of the Pennsylvania delegates are printed in *Journals*, vol. XXXI, pp. 930-931 and 929-930, respectively. The original credentials of William Bingham, the third Pennsylvania delegate, are among the Pennsylvania Credentials and are copied in *Record of Credentials*, p. 188. They were produced November 20, 1786 and indorsement indicates they were read, but the date is not given. They are identical with those of Irvine and therefore are not printed.

delphia, this second Day of November in the Year of our Lord one thousand seven hundred and eighty six.

Attest.

JOHN ARMSTRONG jr *Sy*

[Credentials of South Carolina delegates ¹]

State of South Carolina

By His Excellency William Moultrie Esquire Governor and Commander in Chief in and over the State aforesaid.

To the Honorable Charles Pinckney Esquire, Greeting.

Know Ye that by Virtue of the Power and Authority in me vested, by the Legislature; I have Commissioned Constituted and Appointed and by These Presents, do Commission Constitute and Appoint, You, the said Charles Pinckney, to be a Delegate to represent this State in the Congress of the United States.

This Commission to continue and be in force until the twenty first day of February which will be in the year of our Lord One thousand seven hundred and eighty seven, and no longer.

Given under my hand and the Great Seal of the State in the City of Charleston this twenty first day of February in the year of our Lord one thousand seven hundred and eighty six and of the Sovereignty and Independence of the United States of America the Tenth.

WILL^M MOULTRIE

By His Excellency's Command.

JOHN VANDER HORST *Secretary.*

[SEAL PENDENT]

¹ The originals, one for each delegate, *Papers of the Continental Congress*, South Carolina Credentials, are all identical with those of Pinckney. They are copied in the *Record of Credentials, Papers of the Continental Congress*, No. 179, I, pp. 171-174, 176. The credentials of Pinckney were first read June 9, 1786, and those of Kean, May 22, 1786. The credentials of Bull, Huger and Parker are printed in *Journals*, vol. XXX, pp. 410, 352 and 384 respectively. Those of Kean are not printed.

[Credentials of Georgia delegates ¹]

The State of Georgia by the grace of God Free Sovereign and Independent.

To the Honorable William Peirce, esquire Greeting.

We reposing especial trust and Confidence in the integrity and ability of you the said William Peirce, Have nominated and appointed, and by these presents do nominate and appoint you a Delegate to represent this our State in the Congress of the United States, from the first Monday in November next to the first Monday in November which will be in the year our Lord One thousand seven hundred and eighty seven, there to exercise all and singular the powers and authorities appertaining to the said Office of Delegate agreeably to the Articles of Confederation.

Witness our trusty and well beloved the Honorable Edward Telfair, esquire, our Captain-General Governor, and Commander in Chief, under his hand and our great Seal, at Augusta, this ninth day of October, in the year of our Lord One thousand seven hundred and eighty six; And of our Sovereignty and Independence the Eleventh.

By his Honors Command.

J. MILTON, *Sec^y*

[SEAL PENDENT]

The State of Georgia by the Grace of God free Sovereign and Independent.

To the Honorable William Few, esquire,

Know You, That by the Legislature of our said State, you are Authorized and appointed a Delegate to represent our said State in the Congress of the United States from the first Monday in November next until the first Monday in November which will be in the year of our Lord one thousand seven hundred and Eighty seven, there to Exercise all the powers, rights and privileges of a Delegate agreeably to the Articles of Confederation.

Witness our trusty and well beloved Edward Telfair, esquire, our Captain-General Governor and Commander in Chief, under his

¹ Original, indorsed as read January 17, 1787, *Papers of the Continental Congress*, Georgia Credentials. Copied in *Records of Credentials, Papers of the Continental Congress*, No. 179, I, pp. 196 and 197.

hand and our Great Seal at Augusta this first day of April in the year of our Lord one thousand seven hundred and Eighty six, and of our Sovereignty and Independence the tenth.

By his Honors Command

J. MILTON, *Sec^y*

[SEAL PENDENT.]

[Credentials of North Carolina delegates ¹]

The State of North Carolina

To all to whom these presents shall come Greeting

Know ye that our General Assembly at their Session in November and December last, did by Joint Ballot of both Houses, elect, the Honorable Abner Nash, Robert Burton, William Blount, Charles Johnson, Timothy Bloodworth and Nathaniel Macon Esquires Delegates of this State to Represent the same in Congress of the United States of America for one year, to commence on the first Monday in November next.

We do therefore, by these presents, nominate, commissionate and appoint the said Abner Nash, Robert Burton, William Blount, Charles Johnson, Timothy Bloodworth and Nathaniel Macon Delegates to Represent this State in the Honorable the Congress of the United States of America for one Year to commence on the first Monday in November next To hold, exercise and enjoy the said appointment, with all powers, privileges Authorities and Emoluments to the same belonging or in any wise Appertaining, for and during the Term aforesaid.

Witness Richard Caswell Esquire our Governor, Captain General and Commander in Chief under his hand and our Great Seal at Kinston the eleventh day of March in the Year of our Lord One thousand Seven hundred and eighty Six and in the Tenth Year of our Independence.

R. C. CASWELL

By His Excellencys Command

WINSTON CASWELL *P.ro. Sec.*

[SEAL PENDENT]

¹ Original, indorsed as read January 17, 1787, *Papers of the Continental Congress*, North Carolina Credentials. Copied in the *Record of Credentials, Papers of the Continental Congress*, No. 179, I, p. 183-184, where a marginal note by Thomson says "Read Nov^r 7, 1786".

THURSDAY, JANUARY 18, 1787.

Five States only assembled namely Massachusetts, Connecticut New Jersey Pennsylvania and South Carolina and from New York M^r [Melancton] Smith and from Delaware M^r Nathaniel Mitchell who produced credentials by which it appears that Thomas Rodney and he the said N. Mitchell and Gunning Bedford the elder esquires were on the 27 of October last elected delegates to represent the said State from the first Monday in Nov^r 1786 to the first Monday in Nov^r 1787

[Credentials of Delaware delegates ¹]

The Delaware State, To all to whom these Presents shall come, send Greeting; Whereas our General Assembly, at their Sessions of Assembly, held at Dover, on the Twenty seventh Day of this present Month of October, did, according to the Form prescribed by the Constitution, elect the Honorable Thomas Rodney, Nathaniel Mitchell, and Gunning Bedford, the elder, Esquires, Delegates to represent this State in the Congress of The United States of America, from the first Monday in November next until the first Monday in November, in the Year of our Lord One Thousand Seven Hundred and Eighty Seven: Now know ye, that We do by these Presents, and in pursuance of the said Appointment, commissionate the said Thomas Rodney, Nathaniel Mitchell, and Gunning Bedford, Delegates to represent the said State in the Congress of The United States aforesaid, hereby vesting them severally and respectively with all and singular the Privileges, Powers and Authorities to the said Office or Place of Delegate belonging by Virtue of the said Constitution and the Appointment aforesaid: To have and to hold to them, the said Thomas Rodney, Nathaniel Mitchell, and Gunning Bedford, severally and respectively, the said Office or Place of Delegate
Thos^t Collins as aforesaid, during the Term aforesaid, unless they, or either of them, shall in the mean Time be superseded by our General Assembly, agreeably to the Constitution aforesaid. In Testimony whereof We have caused our Great Seal to be hereunto affixed. Wit-

¹ Original indorsed as read January 18, 1787, *Papers of the Continental Congress*, Delaware Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, p. 198-199.

ness His Excellency Thomas Collins, Esquire, our President, Captain-General, and Commander in Chief, at Dover, the Twenty eighth Day of October in the Year of our Lord One Thousand Seven Hundred and Eighty Six, and in the Eleventh Year of our Independency.

Attest.

JA BOOTH S^y

MONDAY, JANUARY 22, 1787.

Five states only assembled namely Massachusetts Connecticut Pennsylvania, South Carolina and Georgia and from New Jersey M^r [Lambert] Cadwallader from Delaware M^r [Nathaniel] Mitchell and from North Carolina M^r [William] Blount.

TUESDAY AND WEDNESDAY, JANUARY 23 AND 24, 1787.

The same.

THURSDAY AND FRIDAY, JANUARY 25 AND 26, 1787.

The same.

M^r [Arthur] S^t Clair a delegate for Pennsylvania attended.¹

MONDAY, JANUARY 29, 1787.

Six states attended namely Massachusetts Connecticut New Jersey, Pennsylvania, South Carolina and Georgia and from Delaware M^r N[athaniel] Mitchell and from North Carolina M^r [William] Blount.

TUESDAY, JANUARY 30, 1787.

Six states attended namely Massachusetts Connecticut New York, New Jersey Pennsylvania and South Carolina and from N^o Carolina M^r [William] Blount and from Georgia M^r [William] Few.

¹ Neither the original individual credentials of St. Clair for 1787, nor a copy thereof, appear in *Papers of the Continental Congress*. The extract from the minutes of the Pennsylvania Assembly showing his election is printed in *Journals*, vol. XXXI, pp. 929-930.

M^r M[elancton] Smith and M^r E[gbert] Benson the two delegates from New York produced Credentials whereby it appears that on the 26 day of this present month the Senate and Assembly appointed the hon^{ble} John Haring Melancton Smith, Abraham Yates jun^r, Egbert Benson and John Lansing jun^r delegates to represent the State of New York in the United States in Congress assembled, for the current year.

[Credentials of New York delegates ¹]

The People of the State of New York, By the Grace of God, Free and Independent: To all to whom these presents shall come, send Greeting: Whereas our Senate and Assembly have on this Twenty sixth day of January one thousand seven hundred and eighty seven Nominated and Appointed the Honorable John Haring, Melancton Smith, Abraham Yates Junior, Egbert Benson and John Lansing Junior, Esquires, Delegates to represent our said State in the United States of America in Congress Assembled for the Current Year: Now therefore Know Ye, That, in pursuance of the said Nomination and Appointment, We Have by these presents Commissioned the said John Haring, Melancton Smith, Abraham Yates Junior, Egbert Benson and John Lansing Junior to Represent our said State in the said Congress accordingly: In Testimony Whereof We have caused these our Letters to be made patent and the Great Seal of our said State to be hereunto affixed.

Witness our Trusty and Well beloved George Clinton Esquire Governor of our said State General and Commander in Chief of all the Militia and Admiral of the Navy of the same, at our City of New York the said Twenty Sixth day of January in the Year of our Lord one thousand seven hundred and eighty seven and in the eleventh Year of our Independence.

GEO. CLINTON

[SEAL PENDENT]

[Al dorso]

Passed the Secretary's Office

January 30th 1787.

ROBT. HARPUR *D. Sec'y*

¹ Original on parchment indorsed as read January 30, 1787, *Papers of the Continental Congress*, New York Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, pp. 200-201.

WEDNESDAY, JANUARY 31, 1787.

Six states only attended namely Massachusetts Connecticut New York New Jersey Pennsylvania and South Carolina and from North Carolina M^r [William] Blount and from Georgia M^r [William] Pierce.

THURSDAY, FEBRUARY 1, 1787.

Five States assembled namely Connecticut New York New Jersey Pennsylvania and South Carolina and from Massachusetts M^r [Nathan] Dane from Delaware M^r [Nathaniel] Mitchell from North Carolina M^r [William] Blount and from Georgia M^r [William] Pierce.

FRIDAY, FEBRUARY 2, 1787.

Congress assembled present Massachusetts Connecticut New York New Jersey Pennsylvania South Carolina and Georgia and from Delaware M^r[Nathaniel] Mitchell.

Congress proceeded to the election of a presid^t and the ballots being taken

The hon^{b^{le}} Arthur S^tClair was elected.

On Motion of M^r[Charles] Pinckney seconded by M^r [Rufus] King

Resolved That a standing committee on qualifications consisting of five members be appointed to examine the credentials produced by members and report thereon from time to time the periods for which the several members are to serve.

The members chosen M^r [William] Few M^r [Lambert] Cadwallader M^r [William Samuel] Johnson M^r [Charles] Pinckney and M^r [Egbert] Benson.¹

On Motion of M^r[Rufus] King seconded by M^r [Charles] Pinckney

¹ This committee on qualifications is entered in the *Committee Book, Papers of the Continental Congress*, No. 190, p. 132.

Resolved That this day be assigned for the election of two Chaplains,

Congress proceeded to the election and the ballots being taken The reverend Doc^t Rogers and the rev Doct Provost were elected the former having been nominated by M^r [Rufus] King and the latter by M^r [Charles] Pinckney.¹

¹ FEBRUARY 2, 1787. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 132, was referred to the Board of Treasury to report:

An extract of a letter from Mr. Jefferson, September 26, 1786, respecting the loan of France. *Papers of the Continental Congress*, No. 140, II, pp. 389-391. Report rendered February 19 and October 2, 1787.

According to indorsement was read:

Letter from James Duane to Charles Thomson, December 26, 1786, accepting the appointment as judge of a federal court in the controversy between South Carolina and Georgia. *Papers of the Continental Congress*, No. 78, VIII, p. 199.

According to the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. I, the following letters were received (read):

Letter of John Jay to the President of Congress, January 18, 1787, transmitting two letters of Mr. John Adams. *Papers of the Continental Congress*, No. 80, III, p. 169. The letter of Adams to Jay, October 3, 1786, discusses the treaty of commerce between England and France and the disturbances in Holland. That of October 27, 1786 relates to the ratification of the treaty with Prussia, further conjectures regarding the treaty between France and England, the treaty with Portugal and one made by Mr. Barclay. *Papers of the Continental Congress*, No. 84, VI, pp. 351-354, and 355-358, respectively.

Letter of John Jay to the President of Congress, January 18, 1787, forwarding two letters of Mr. W. S. Smith. *Papers of the Continental Congress*, No. 80, III, p. 173. The letter of Smith to Jay, September 4, 1786, sets forth the powers of Lord Dorchester to settle the eastern boundary and conjectures as to the consular plan of Great Britain. That of October 11, 1786, gives intelligence respecting South American disturbances. *Papers of the Continental Congress*, No. 92, pp. 144-146 and 160-163, respectively.

Letter of John Jay to the President of Congress, January 18, 1787, with three letters from Mr. T. Jefferson. *Papers of the Continental Congress*, No. 80, III, p. 161. The letter of Jefferson to Jay, August 11, 1786, relates to instructions to Lord Dorchester, letter of Schweighauser and Dobreé and despatches relative to the Barbary negotiations. That of August 13, 1786, forwards a letter of Barclay and discusses the Portuguese treaty. And that of September 26, 1786, treats of the negotiations with the Barbary states and the proposal of a Dutch company to purchase the debt due to France from the United States. *Papers of the Continental Congress*, No. 87, I, pp. 588-590, 638-639 and 650-653, respectively, with their enclosures between pp. 592-637, 642-649 and 654-682, respectively.

Letter of John Jay to the President of Congress, January 18, 1787, transmitting two letters of William Carmichael. *Papers of the Continental Congress*, No. 80,

SATURDAY, FEBRUARY 3, 1787.

Congress assembled. Present as yesterday.

In pursuance of the appointment made on the 10th of Sept 1786 of persons to constitute a court to hear and determine the matter in Controversy between the States of South Carolina and Georgia the following gentlemen have signified their acceptance of the Office and that they will attend at New York at the time appointed, viz

The hon^{ble} A[lexander] C[ontee] Hanson by his letter of
15.Oct^r 1786

James Madison by his letter of 25 Sept 1786

Robert Goldsborough jun^r by his letter of 28
Nov^r 1786 ¹

James Duane by his letter of 26 Dec^r 1786 ²

Thomas McKean by his letter of 2 Oct 1786 ³

Egbert Benson by his letter of 30 Sept 1786 ⁴

and W^m Pynchon by his letter of 3 Nov^r 1786 ⁵

III, p. 165. The letter of Carmichael to Jay, July 15, 1786, discusses Barclay's negotiations with Morocco, the business at Algiers and his inadequate salary. That of September 2, 1786, transmits copies of the treaties between Spain and Algiers and between Spain and England, and gives account of the Dutch objections to the navigation of the vessels of the Philippine company and an interview with Floridablanca. *Papers of the Continental Congress*, No. 88, pp. 428-431 and 468-472, respectively, with enclosures of the former on pp. 432-433 and 444-446.

Letter of Thomas Barclay to John Jay, October 4, 1786, transmitting copies of two letters to Adams and Jefferson. The letter of Barclay to Adams and Jefferson, September 13, 1786, relates particulars on the subject of Morocco. That of September 18, 1786, gives details of his negotiations in Morocco. *Papers of Continental Congress*, No. 91, pp. 189-193 and 197-205, respectively.

Letter of John Jay to the President of Congress, December 14, 1786, with a letter from J. Lamb of September 7, 1786. *Papers of the Continental Congress*, No. 80, III, p. 153.

Letter of John Jay to the President of Congress, December 21, 1786, transmitting a letter of M. Otto, Chargé des Affaires of France. The letter of Otto to Jay, December 21, 1786, contains a declaration respecting the rumor of an exchange of Louisiana.

¹ *Papers of the Continental Congress*, No. 78, X, p. 541, read February 3, 1787.

² *Papers of the Continental Congress*, No. 78, VIII, p. 199, read February 2, 1787.

³ *Papers of the Continental Congress*, No. 78, XVI, p. 517, read October 5, 1786.

⁴ *Papers of the Continental Congress*, No. 78, IV, p. 525, read October 4, 1786.

⁵ *Papers of the Continental Congress*, No. 49, p. 119, read February 3, 1787.

M^r John Dickinson and M^r Philemon Dickinson, have declined the appointment, the former by a letter of 21 Nov^r 1786 ¹ and the latter in one of 10 Jan^y 1787.²

A letter ³ from the hon^{bl} J[ohn] Adams was read informing that he had exchanged with the baron Thulemeier the ratifications of the treaty between the United States of America and enclosing the ratification thereof by his Prussian Majesty.

The Secretary for foreign Affairs to whom was referred a letter to Congress dated 9th July 1786 from his most Christian Majesty on the Birth of his daughter reported the draught of an Answer which was agreed to The Secretary for foreign affairs to whom was referred a letter of 27 June 1786 from the hon^b J[ohn] Adams reported the draught of a letter to the Queen of Portugal, which was agreed to.

~~He also suggested answers which he should return to the letter of S^r E Newenham and of M^r Dumas referred to him which were approved.~~

On motion ⁴ of M^r [Charles] Pinckney seconded by M^r [John] Kean *Resolved* That all matters which were before the last Congress and left unfinished by them be taken up in the present; And that all committees appointed by them and who have not reported be directed to proceed in the business before them and report as soon as may be.

⁵ A Letter from the Hon^{ble} J. Adams, was read informing that he had exchanged with the Baron Thulemier the

¹ *Papers of the Continental Congress*. No. 78, VIII, p. 195, read February 3, 1787.

² *Papers of the Continental Congress*, No. 78, VIII, p. 203, read February 3, 1787.

³ October 26, 1786, *Papers of the Continental Congress*, No. 84, VI, pp. 355-358, transmitted to Congress by John Jay in letter of January 18, 1787, *Papers of the Continental Congress*, No. 80, III, p. 169.

⁴ This motion, in the writing of Charles Pinckney, is in *Papers of the Continental Congress*, No. 36, III, p. 319.

⁵ From this point to the end of the day the *Journal* entries were made by Benjamin Bankson in *Secret Journal, Foreign Affairs, Papers of the Continental Congress*, No. 5, III, pp. 1555-1562.

Ratifications of the Treaty between the United States of America and enclosing the ratification thereof by his Prussian Majesty.

The Secretary for Foreign Affairs to whom was referred a Letter ¹ to Congress dated 9th July 1786 from his Most Christian Majesty on the Birth of his Daughter, reported the draught of an answer ² which was agreed to as follows.

“GREAT, FAITHFUL & BELOVED FRIEND & ALLY: We have received the Letter which you did us the Honor to write on the 9th July last.

We participate very cordially in the satisfaction which your Majesty derives from the Birth of a Princess, and rejoice in every event which adds to the prosperity of your people and the welfare of your royal Family. We present to your Majesty and the Queen our Congratulations on the occasion. We assure you of our unceasing gratitude and attachment, and we pray the Almighty always to keep your Majesty, your people, and Family in his most holy protection.

¹ This letter was entered as a footnote in the *Secret Journal* as follows:—Trés Chers Grands Amis et Alliés nous sommes bien convaincus que vous partagerez la satisfaction que nous cause l'heureuse delivrance de la Reine notre tres chers epouse que vient de mettre au monde une Princesse. l'entiere confiance que nous mettons dans les sentimens dont nous nous flattons que vous nous renouvelerez les temoignages en cette occasion, vous repond du desir que nous aurons toujours de vous donner de plus en plus des preuves de notre affection et de notre constante amitie pour vous. Sur ce nous prions Dieu qu'il vous ait, tres chers Grands Amis et Alliés en sa sante et digne garde. sein [sic; Ecrit] à Versailles le 9 Juillet 1786

Votre bon ami et Allié

LOUIS

GRAVIER DE VERGENNES

² Report of Secretary for Foreign Affairs, John Jay, December 18, 1786, read February 3, 1787, *Papers of the Continental Congress*, No. 81, III p. 171-172. It is indorsed, “Agreed to. Sent back to Secretary for Foreign Affairs that the letter may be made out and when signed by the President forwarded. Order taken Feby, 6th. 1787”.

Done at New York the third day of February in the year of our Lord 1787. By the United States in Congress as^d

(Signed) ARTHUR S^t CLAIR, *President*''.

The Secretary for Foreign Affairs to whom was referred a Letter¹ of 27th June, from the Hon^{ble} J. Adams, reported the draught of a Letter to the Queen of Portugal,² which was agreed to as follows:

“GREAT AND GOOD FRIEND: We take the earliest opportunity since our annual election of presenting to your Majesty our sincere acknowledgements for the friendly regard you have manifested for us, in having ordered your Squadron in the Streights to protect our Vessels equally with those of Portugal.

Permit us to assure you that we shall retain this mark of generous attention in grateful remembrance, and shall omit no opportunity of testifying our desire to establish and perpetuate between our two Countries an intercourse of Commerce and good Offices, which may prove no less beneficial than agreeable to both.

¹ This letter is entered as a footnote in the *Secret Journal* as follows:

LONDON June 27th 1786.

SIR: The Chevalier de Pinto, the Envoy of Portugal, informed me, this day that he had received Instructions from his Court, to inform me, that the Queen his Mistress has sent a Squadron to cruise in the mouth of the Streights with Orders to protect all Vessels belonging to the United States of America equally with those of her own Subjects and that She would continue those Orders as long as they should be agreeable to Congress.

The Reply, was, that it could not be doubted that so signal a mark of her Majesty's friendly attention to the interest and safety of the Citizens of America, would be very agreeable to Congress, and that the first opportunity should be embraced to make the communication to them.

So much notice will probably be taken of this by Congress, as to return the Compliment, the least is Thanks.

² Report of Secretary for Foreign Affairs, John Jay, January 25, 1787, read February 3, 1787; *Papers of the Continental Congress*, No. 81, III p. 181-182. It is indorsed “Referred back to Secretary to take order for the transmission of the letter to the Queen when signed by the President in the manner suggested in his report. Order taken. Returned February 10, 1787”.

We pray God to bless and preserve your Majesty.

Done by the Congress of the United States convened at the City of New York the third day of February in the year of our Lord 1787.

(Sign'd) ARTHUR S^t CLAIR, *President*".

The Secretary for Foreign Affairs having with the foregoing draught reported as follows:

"As this communication was made by the Queen's Envoy in London to M^r Adams, your Secretary thinks this Letter should be transmitted to him, and that the compliment would be more delicate if his Secretary was Commissioned to carry and deliver it. Perhaps too, so striking a proof of respect might among other good consequences promote the conclusion of the Treaty", thereupon

*Ordered*¹ That the Secretary for Foreign Affairs take order for the transmission of the Letter to the Queen of Portugal, when signed by the President in the manner suggested in his report.

OFFICE FOR FOREIGN AFFAIRS

*Jan^y 31st 1787.*²

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a Letter³ of 23^d April last from M^r Dumas, together with the papers that accompanied it, Reports

"That there is but one circumstance mentioned in the said Letter and papers, on which it appears to him necessary to report, viz

¹ This order is entered in the *Committee Book, Papers of the Continental Congress*, No. 190, p. 133.

² The report of John Jay, January 31, 1787, is noted as missing, *Papers of the Continental Congress*, No. 81, III p. 167.

³ No. 6, letter book copy, The Hague, *Algemeen Ryksarchief, Stukken afkomstig van C. W. F. Dumas*, Inventaris I; Library of Congress facsimilies, nos. 805-806.

That his most Christian Majesty had conferred upon M^r Dumas a pension of 1,500 Livres a year for life, and of half of that Sum after his death on his Daughter. To accept of which he requests the permission of Congress.

As M^r Dumas has in fact no Commission from the United States your Secretary doubts the propriety of giving such *express* permission; because to *permit* implies a right to *forbid*. He nevertheless thinks it would be proper to authorise him to inform M^r Dumas that this mark of his Majesty's generous attention to him gives pleasure to Congress, and that they have not the least wish that he should decline to accept and enjoy it."

*Ordered*¹ That the above report be referred to the Secretary for Foreign Affairs to take order, in writing to M^r Dumas as suggested.

OFFICE FOR FOREIGN AFFAIRS

10 Janu^r 1787.²

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred three Letters from Sir Edward Newenham of the Kingdom of Ireland, one to his Excellency the President ³ dated 12th August last; another to his Excellency the President and Members of Congress of the same date, and ye third to your Secretary which is also of the same date. Reports

"That the object of these Letters is to obtain for his Son Robert OCallaghan Newenham the appointment of

¹ This order is noted in the *Committee Book, Papers of the Continental Congress*, No. 190, p. 133.

² Report of John Jay, read February 3, 1787; *Papers of the Continental Congress*, No. 81, III p. 173-177. It is indorsed "Referred back to the Secy. for Foreign Affairs to take order on the last paragraph. Order taken. Returned February 10, 1787".

³ The letters of Newenham to the President of Congress and to the President and members of Congress are in *Papers of the Continental Congress*, No. 78, XVII; pp. 183 and 187-188, with other copies on pages 191-200. One copy of the letter to the President is indorsed as acted on February 3, 1787 and the other as read Oct. 19, 1786. See *Journals*, vol. XXXI, p. 891.

Consul of the United States at Marseilles in France where he is settled and established in the mercantile line. Sir Edward represents his Son as well qualified for that place, and supports his application by referring to his own steady attachment to the American Cause.

Your Secretary reports, as a fact generally known and particularly confirmed by the testimony of Doc^r Franklin and others, that Sir Edward was always a firm friend to the American Cause and rendered many substantial services to our Countrymen that happened to be prisoners in Ireland. That therefore he merits the attention of the United States and should on every proper occasion receive marks of it.

That on the 16th day of March 1784, Congress was pleased to resolve¹ "that it is inconsistent with the interest of the United States to appoint any person not a Citizen thereof, to the Office of Minister, Chargé des Affaires, Consul, Vice-Consul or to any other civil Department in a foreign country" &c:

This Act renders a compliance with S^r Edward's request impossible unless Congress should think proper to repeal it *partially* or *altogether*.

There are few human laws or institutions from which some inconveniencies will not result. The Act in question appears to your Secretary to be a wise one, and consequently that it should remain as it is.

From Sir Edward's Letters it seems that the honor of this appointment weighs more with him than the emoluments expected from it, and he probably would be equally pleased with any other honorable mark of the Notice of Congress.

It is well known that other british Subjects of rank and distinction have been very friendly to the American

¹ *Journals*, vol. XXVI, p. 144.

Cause besides S^r Edward, and therefore the propriety and policy of honoring him and neglecting the rest merits consideration.

Your Secretary thinks that States as well as Individuals should remember those who took their part in adversity, and that the first use to be made of subsequent prosperity should be to reward them by proper manifestations of gratitude. Such Conduct never fails to secure old friends as well as to invite new ones; besides it is right in itself, and therefore unquestionably politic.

Our Constitution has provided Government with very few of those Feathers which in other Countries cost Sovereigns so little and yet afford them ample means of rewarding the many who are ambitious of embellishing their merits by such Toys and Trifles.

Honorary and commendatory resolutions, a few Offices, very little money, and much land, are the only funds from which Congress can draw rewards for their Friends and faithful Servants.

The first unless used with caution and reserve will depreciate and cease to be valuable. The second should in the opinion of your Secretary be as much as possible confined to their own Citizens. The third is at present out of question; but on considering the state of the latter your Secretary is inclined to think that some plan like the following might be useful.

Certain Individuals french, british and dutch were in the course of the War eminently useful to America. Their names and merits are known.

Let a District of country proper in future to become a State, easy of access and convenient *now* to settle, be marked out and subdivided into counties of thirty miles square. Give to these Counties, or to as many

as occasion may require, the names of our most eminent and distinguished foreign friends whether french, british or dutch. Subdivide the counties into townships of six miles square. Give to these townships the names of others, and give Acres to each of them in fee.

Let the Commissioners of the Land Office be also directed to give five hundred acres to such other of our foreign Friends as though less distinguished may nevertheless be found to have well deserved the notice of Congress. Declare that these Lands shall not be transferable unless to American Citizens, and that at the expiration of twenty years, unless one family be then found settled on each Grant, it shall revert to Congress.

Such an Act might be introduced by a preamble no less honorable to the gratitude of the United States than pleasing to the objects of it and to others.

As to the request of S^r Edward your Secretary thinks it would be well that he should be directed to write him a Letter, informing him that Congress are well informed of his character and attachment to the liberties of America, and that it would give them pleasure to manifest the esteem they entertain for him by complying with his request were they not restrained by a Law confining their appointment of Consuls to Citizens''.

*Ordered*¹ That the last paragraph of the above report be referred to the Secretary for Foreign Affairs to take order.

¹ This order was noted in the *Committee Book, Papers of the Continental Congress*, No. 190, p. 132, where the last paragraph of the report is copied *verbatim*.

[Report of Board of Treasury on memorial of George Fisher ¹]

The Board of Treasury to whom was Referred the Memorial of George Fisher.

Beg leave to Report,

That the said George Fisher was employed to bake Bread by Contract in the Commissary Generals Department of the late Army, from November 1776 to August 1777.

That at the close of the period last mentioned, a Balance became due to him from the United States of Four thousand three hundred Dollars, for which he received Loan Office Certificates dated in May 1781.

That on the 5th of January 1781, on a special Application from the Memorialist, Congress directed a Revision of the said George Fishers Accounts; and it was at that time recommended by the Board of Treasury, that the Continental Scale of Depretiation should be adopted in the revision of the [account].

That this Revision did not take place till the Year [1784] when the present Commissioner for Settling Accounts in the Commissary Department completed the same, in pursuance of the Resolve of Congress last mentioned.

That the Memorialist states, that in consequence of this Settlement by the said Commissioner, he lost near two thirds of the Sum he conceived himself justly entitled to.

On the above Memorial, the Board beg leave to observe, That as it is customary to allow Interest to the Creditors of the United States, from the time their respective Balances became due, the Memorialist is, in their opinion, entitled to Interest on the Loan Office Certificates by him received from August 1777; although the said Certificates bear date in May 1781.

They therefore Submit to the consideration of Congress, the following Resolve.

That the Commissioner of the Loan Office in the State of New York be authorised, and directed to Cancell sundry Loan Office Certificates issued to George Fisher, from the Office of the State of Pennsylvania,

¹ *Papers of the Continental Congress*, No. 138, I, pp. 465-467, read February 3, 1787. Copies of accounts and other supporting documents, pp. 469-497. The covering letter of Board of Treasury to President of Congress, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 303. According to *Reports of Committees*, *Papers of the Continental Congress*, No. 189, p. 22, this report was filed.

bearing date in May 1781, and amounting to the Sum of Four thousand three hundred Dollars Specie value; And that he issue in lieu thereof, Loan Office Certificates of like [value], bearing date on the 1st day of September 1777; being the period at which a Balance became due to the said George Fisher to the amount abovementioned.

On those parts of M^r Fishers Memorial complaining of the Revision of his Account by the Commissioner for Settling Accounts in the Commissary Generals Department, and implying certain Charges against Persons employed in the late Commissary Generals Department; the Board beg leave to refer Congress to a Report from the Commissioner who Revised the said Accounts, and to a Letter from the Memorialist of the 16th of October last; Copies of which we have the honor to enclose.

All which is humbly Submitted

Novem^r 17^h 1786.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

[Letter of Secretary at War regarding Indian Affairs ¹]

WAR OFFICE,
November 10th 1786.

SIR: Agreeably to the orders of Congress, I beg leave to submit a draft of general instructions for the superintendants of indian affairs.

The trust being highly confidential as well as important depending more on the abilities of the superintendants than the minuteness of their instructions, I have considered that particular details of duty might perplex and retard instead of advancing the public business.

The reports of the superintendants will always be communicated to Congress, from which observations and particular instructions will necessarily arise.

I have the honor to be, etc.,

H KNOX

His Excellency

THE PRESIDENT OF CONGRESS.

¹ *Papers of the Continental Congress*, No. 151, p. 231. Read February 3, 1787 and Wednesday, February 7 assigned for its consideration. The draft of the instructions is on pp. 223-228. Printed copies are in *Papers of the Continental Congress*, Broad-sides. See February 13 and 20, 1787.

[Letters of Secretary at War regarding Shay's rebellion]

WAR OFFICE, *January 29, 1787.*¹

SIR: As the operations now carrying on against the insurgents in Massachusetts, are interesting; and as the Arsenal and Stores of the United States, appear to be committed on the issue, I conceive it to be my duty, to submit to Congress for their information, the enclosed copies of letters which I have received.

It is to be observed that notwithstanding the high probability that an action took place at Springfield on thursday afternoon yet as no subsequent intelligence has arrived to the letters received yesterday, some events not known, may have prevented it.

If any further important intelligence should arrive, I shall immediately communicate it to you for the information of Congress.

I have the honor to be, etc.,

H KNOX

CHARLES THOMSON Esq^r

WAR OFFICE, *Feb^y 1st 1787.*²

SIR: Col^o Wadsworth of Hartford, who is in this city, has favored me with the enclosed copies of two letters which he received by the last night's mail, respecting the operations against the insurgents in Massachusetts; which is all the material intelligence I have received since my communications of the 29th ultimo.

I am, etc.,

H KNOX

CHARLES THOMSON Esq^r

Secretary of Congress

[Letter of Secretary for Foreign Affairs respecting Mr. Dumas ³]

NEW YORK *31st January 1787.*

SIR: I have the Honor of transmitting to your Excellency herewith enclosed, a Letter ⁴ to me from M^r Dumas of the 25th October last with

¹ *Papers of the Continental Congress*, No. 150, II, p. 189, read February 3, 1787. The six enclosures are on pp. 173-187 and 201-202.

² *Papers of the Continental Congress*, No. 150, II, p. 203, read February 3, 1787. The two enclosures are on pp. 193-195 and 197-198.

³ *Papers of the Continental Congress*, No. 80, III, p. 181, read February 3, 1787.

⁴ According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 133, the last paragraph of this letter respecting arrearages due, was referred to the Board of Treasury.

the Papers referred to in it, together with Translations of them, and am with great Respect, etc.,

JOHN JAY.

His Excellency

THE PRESIDENT OF CONGRESS.

[Letter of Secretary for Foreign Affairs with commission of P. Bond ¹
NEW YORK 8th December 1786.

SIR: I have the Honor of transmitting to your Excellency herewith enclosed two Commissions from his britannic Majesty to Phineas Bond Esq^r both dated the 5th April last, the one constituting him Consul to New York, New Jersey, Pennsylvania, Delaware and Maryland, and the other appointing him Commissary within the Dominions of the United States.

I have the Honor to be, etc.,

JOHN JAY.

His Excellency

THE PRESIDENT OF CONGRESS.

[Letter of Secretary for Foreign Affairs respecting E. Newenham ²

OFFICE FOR FOREIGN AFFAIRS

10th January 1787.

SIR: After the Papers mentioned in the enclosed Report * had been referred to me, I received from his Excellency Doctor Franklin the Letters ³ which I have the Honor herewith to transmit, and which relate to the same Subject.

With great Respect I have the Honor to be, etc.,

*M^r Jay's Report of 10th Jan^y 1787.⁴

JOHN JAY.⁵

His Excellency

THE PRESIDENT OF CONGRESS.

¹ *Papers of the Continental Congress*, No. 80, III, p. 149, read February 3, 1787. See February 5 and May 3, 1787.

² *Papers of the Continental Congress*, No. 80, III, p. 157, read February 3, 1787.

³ *Papers of the Continental Congress*, No. 82, III, p. 253, with three letters of Newenham on pp. 255-256, 257-258 and 261-262.

⁴ See *Secret Journal* above.

⁵ FEBRUARY 3, 1787. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, pp. 133-134, the following documents were read and referred:

Letter of Lewis Littlepage, Warsaw, to President of Congress, June 3, 1786,

MONDAY, FEBRUARY 5, 1787.

Congress assembled present as before and from Virginia Mr [William] Grayson.

requesting copies of original letters. *Papers of the Continental Congress*, No. 78, XIV, p. 717. Referred to the Secretary of Congress to take order in delivering copies herein mentioned to any person applying in behalf of Mr. Littlepage.

Attested copy of resolve of the General Court of Massachusetts to apply to Congress to enforce obedience from the regimental agents to Requisitions. *Papers of the Continental Congress*, No. 74, pp. 378-379. Referred to the Board of Treasury to report. Report rendered February 26, 1787.

Petition of James Canniff, October 29, 1786. *Papers of the Continental Congress*, No. 42, II, p. 222. Referred to the Board of Treasury to report. Report rendered February 12, 1787.

According to indorsement the following letters were read:

Letter of B. Franklin to Charles Thomson, Philadelphia, January 25, 1787, respecting the three millions given by the King of France to the United States. *Papers of the Continental Congress*, No. 82, III, pp. 273-274, with enclosures on pp. 293-311. See February 5 and July 24, 1787.

Letter of Thomas Hutchins to the President of Congress, December 2, 1786, reporting progress of surveys of Western Territory. *Papers of the Continental Congress*, No. 60, pp. 281-282. Two enclosures regarding Indian affairs are on pp. 285-287, 289-290.

Letter of Governor of Virginia, Edmund Randolph, to the President of Congress, December 1, 1786, enclosing act for appointing delegates to attend the Convention at Philadelphia in May 1787. *Papers of the Continental Congress*, No. 71, II, p. 461. A broadside of the Act is on p. 465.

Letter of Governor of New Hampshire, John Sullivan, to the Secretary of Congress, November 25, 1786, acknowledging receipt of communications. *Papers of the Continental Congress*, No. 64, p. 312-313.

Letter of President of Delaware, Thomas Collins, to Charles Thomson, November 27, 1786, acknowledging receipt of despatches. *Papers of the Continental Congress*, No. 70, p. 789.

Letter of Governor of Connecticut, Samuel Huntington, to Charles Thomson, November 16, 1786, transmitting an act fixing the time for the commencement of the powers to regulate trade. *Papers of the Continental Congress*, No. 66, II, p. 340. The attested copy of the Act of the second Thursday of October 1786, which was enclosed, is in *Papers of the Continental Congress*, No. 75, p. 107.

Letter of Samuel Huntington to Charles Thomson, December 23, 1786, acknowledging receipt of letters. *Papers of the Continental Congress*, No. 66, II, p. 344.

Letter of Edward Fox to Charles Thomson, January 26, 1787, regarding his work as commissioner for settling the accounts of Virginia. *Papers of the Continental Congress*, No. 78, IX, pp. 563-567. See February 12, 1787.

Petition of Louis Lotbiniere, chaplain and priest of Canada, praying for reimbursement of losses suffered in Canada in 1776. *Papers of the Continental Congress*, No. 42, IV, pp. 418-419. A letter from Lotbiniere to [President of Congress], January 2, 1786, [1787], is on pp. 422-425.

On Motion of M^r [John] Kean seconded by M^r [Melancton] Smith

Ordered That the board of treasury report an estimate of the Sums necessary for the service of the year of 1787 including the interest on the domestic and foreign debt and so much of the capital of the foreign debt as will fall due within the year.¹

[Letter of Secretary at War on Indian affairs ²]

WAR OFFICE, *January 3^d 1787.*

SIR: I have the honor to enclose, to your Excellency copies of three Letters from the Superintendent of Indian affairs for the Northern department.

The result of the conference with Brandt at Sandusky will when known enable Congress to form an opinion, whether the United States are to be at Peace or involved in hostility with the western Savages.

The Superintendent is exceedingly pressing for his instructions a report of which has been submitted to Congress. Absence on public service prevented the draft being submitted, previous to the dissolution of the last Congress.

He appears to be of opinion that Fort Pitt will be the most proper post to treat with the Six nations of Indians so called. The reasons offered in support of his opinion, are weighty, and it may be questioned whether they do not counterbalance the œconomy which would be observed from the circumstance of having all the treaties at Fort Harmar at the mouth of the Muskingum the place directed by me. The decision of Congress is humbly requested on this point.

¹ A rough memorandum of this motion in the writing of Thomson, is in *Papers of the Continental Congress*, No. 36, III, p. 317. See April 2, 1787.

² *Papers of the Continental Congress*, No. 150, II, pp. 139-140, read February 5, 1787. It has enclosures, no. 1, pp. 115-118; no. 2, pp. 147-150; no. 3, pp. 123-127; and no. 4, pp. 131, 135. See February 13, 1787.

I have the honor also to enclose the copy of a Letter with its enclosures containing information relative to the favorable dispositions of the Six Nations received from his Excellency Governor Clinton.

I have the honor to be etc

H. KNOX.

His Excellency

THE PRESIDENT OF CONGRESS.

[Letter of Secretary at War on Indian affairs ¹]

WAR OFFICE, *February 5, 1787.*

SIR: I have the honor to transmit to your Excellency an extract of a letter from Colonel Harmar of the 15th of November, and a copy of one dated the 7th of December, also, an extract of my letter to him of the 22nd ultimo relative to the orders given to the commanding officer of the two companies stationed at the rapids of the Ohio.

It is to be observed that it is not probable that Colonel Harmar's orders to Captain Finney have been attended with any effect, as the expedition under General Clarke, appears to have been frustrated, previous to the orders being forwarded.

The just complaints against the defective manner in which the troops have been supplied with provisions by the contractors, it is to be presumed is removed, as forcible representations were made to them by the board of treasury, in consequence of my information; and one of the principal of the contractors repaired to Fort Pitt in November last.

The board of treasury were unable to effect a contract for clothing so early in the season as could have been desired. But a contract was made the 2nd September last, with Messrs Turnbull, Marmie and Co of Philadelphia, and most of the warm and important articles have been forwarded, and have probably reached the troops before the present period.

The payments to the troops are indeed bad and is the cause which gives the edge to their other grievances and renders them more severe and difficult to be borne. I shall have the honor shortly to submit to

¹ *Papers of the Continental Congress*, No. 150, II, pp. 143-144, read February 5, 1787. It has enclosures no. 1, pp. 163-164, 159, 169; no. 2 (part), pp. 119-121, 155; and no. 3, pp. 151-154. See February 13, 1787.

Congress the sums which have been paid, and, the deficiencies to the 1st of January of the present year.

I have the honor to be, etc.,

H KNOX ¹

His Excellency

THE PRESIDENT OF CONGRESS.

TUESDAY, WEDNESDAY, THURSDAY AND FRIDAY,
FEBRUARY 6, 7, 8 AND 9, 1787.

Six states only having assembled namely Massachusetts, Connecticut, New York New Jersey, Pennsylvania and South Carolina and from Delaware M^r [Nathaniel] Mitchel from Virginia M^r [William] Grayson and from Georgia M^r [William] Few the president adjourned Congress.

MONDAY, FEBRUARY 12, 1787.

Congress assembled, present Massachusetts, Connecticut New York, New Jersey, Pennsylvania, Virginia South Carolina and Georgia and from Delaware M^r [Nathaniel] Mitchell.

M^r James Madison a delegate for Virginia produced his credentials by which it appears that on the 7th of November last he was appointed a delegate to serve in Congress until the first Monday in Nov^r 1787.

¹ FEBRUARY 5, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 134, the following matters were referred:

Two commissions of Phineas Bond as consul and commissary of his Britannic Majesty were referred to the Secretary for Foreign Affairs to report. Report rendered March 29, 1787. See February 3, 1787.

Letter of B. Franklin to Charles Thomson, January 25, 1787, was referred to the Board of Treasury. See February 3, 1787.

Also according to indorsement, there were read:

Petition of John Snowden, dated January 15, 1787, praying for pay for his military services. *Papers of the Continental Congress*, No. 42, VII, p. 267. See February 12, 1787.

Letter of John Sullivan, Governor of New Hampshire, to President of Congress, January 24, 1787, respecting Mr. Gorham, commissioner of accounts. *Papers of the Continental Congress*, No. 64, p. 316. The enclosure, a copy of the resolution of the legislature, is on pp. 320-324.

[Credentials of James Madison, Virginia¹]

Virginia to wit.

The General Assembly of this Commonwealth, on the seventh Day of November One thousand seven hundred and eighty six, by joint ballot of both Houses, elected James Madison, jun esquire, a Delegate to serve in Congress until the first Monday in November One thousand seven hundred and eighty seven.

Given under my hand and the Seal of the Commonwealth this Eighth Day of November, One thousand seven hundred and eighty six.

[SEAL]

P. HENRY

The Committee on qualification consisting of M^r [William] Few M^r [Lambert] Cadwallader M^r [William Samuel] Johnson M^r [Charles] Pinckney and M^r [Egbert] Benson appointed to examine the credentials produced and report the periods for which the several members are to serve having reported²

“That they have examined the commissions produced by the members present from which it appears that M^r [Rufus] King and M^r [Nathan] Dane of Massachusetts M^r [William Samuel] Johnson and M^r S[tephen] M[ix] Mitchell of Connecticut M^r [John] Haring M^r [Melancton] Smith and M^r [Egbert] Benson of New York M^r [Abraham] Clark M^r [Lambert] Cadwallader and M^r [James] Schurman of New Jersey M^r [Arthur] S^t Clair M^r [William] Irwine M^r [Samuel] Meredith and M^r [[William] Bingham of Pensylvania M^r N[athaniel] Mitchell of Delaware M^r [William] Grayson and M^r [James] Madison of Virginia M^r [William] Blount of

¹ Original, read February 12, in *Papers of the Continental Congress, Virginia Credentials*. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, p. 202. The original credentials of William Grayson, another of the Virginia delegates, are among the Virginia Credentials and are copied in the *Record of Credentials*, p. 190. They were produced November 20, 1786 and indorsement indicates they were read, but the date is not given. They are identical with those of Madison and therefore are not printed.

² This report in the writing of William Few, indorsed as agreed to February 12, 1787, is in *Papers of the Continental Congress*, No. 23, p. 269.

North Carolina, and M^r [William] Few and M^r [William] Pierce of Georgia are elected and duly authorized to act as Members of Congress until the first Monday in November next and no longer.¹

“That M^r [John] Bull M^r [Charles] Pinckney M^r [John] Kean M^r [John] Parker and M^r [Daniel] Huger of South Carolina are authorised to serve until the 21 day of the present month February.”

Resolved That Congress agree to the s^d report.

[Letter of Board of Treasury, transmitting statement of accounts²]

BOARD OF TREASURY

February 5th 1787.

SIR: We request the favor of Your Excellency to lay before Congress, the Statement of the Accounts of the Treasury from the 1st day of July to the 30th of September last; together with an Abstract of the State of the Treasury for the Months of October and November.

¹ At this point in the original report there was crossed off a paragraph reading as follows: “That M^r [Arthur] S^t Clair M^r [William] Irvine M^r [Samuel] Meredith and M^r [William] Bingham of Pennsylvania were appointed on the first day of October last, tho the period for which they are to serve is not mentioned in their Credentials, the Committee are of opinion it was intended by the Legislature of Pennsylvania that their appointment should extend until the first day of Oct^r next, and that they are authorized to serve till that period and no longer.”

² *Papers of the Continental Congress*, No. 140, II, pp. 381–382, read February 12, 1787. The transmitted documents, signed by Joseph Nourse, Register, are in *Papers of the Continental Congress*, No. 141, II, as follows: General account of Taxes, No. 9, from 1st July to 30th September 1786, pp. 429–430; General account of Receipts and Expenditures, No. 9, pp. 437–438, supported by No. 1, Expenditures of the Civil List, pp. 448–456; No. 2, Expenditures of the Pay Master General, p. 460; No. 3, Expenditures for Subsistence of the Army, p. 462; No. 4, Expenditures for Clothing the Army, p. 464; No. 5, Expenditures for the Quarter Master's Dept., p. 466; No. 6, Expenditures for Indian Affairs, pp. 468–469; No. 7, Expenditures for Military and Ordnance Stores Department, p. 470; No. 8, Expenditures for Pensions, Annuities and Grants, p. 472; No. 9, Expenditures for Contingencies, p. 474; and No. 10, Expenditures for Payment of Old Accounts, p. 476. The Abstracts of the State of the Treasury for October and November 1786 are on pp. 441–443 and 445–446, respectively. The schedule of Requisitions . . . and Balances due 30th September 1786 is on pp. 443–434.

The Accounts of the several Loan Officers not having been transmitted in sufficient Season to admit of their adjustment at the Treasury, prevented the Quarterly Account to the 30th of September last from being laid before Congress, previous to the late dissolution of that Honorable Body. The Accounts of these Officers for the last Quarter are now Adjusting, and in a few days will be completed; when we shall do ourselves the honor of presenting them to Congress.

We have likewise the honor of transmitting for the inspection of Congress, a Schedule of the Payments made by the several States on the existing Requisitions to the 30th of September last.

We have the honor to be etc.,

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

His Excell^y

THE PRESIDENT OF CONGRESS.

[Letter of Board of Treasury respecting troops ¹]

BOARD OF TREASURY
February 6th 1786. [1787]

SIR: We request the favor of Your Excellency to lay before Congress, a copy of Proposals which have been submitted to the consideration of this Board by the Secretary at War, on the subject of Subsisting, Clothing and Paying the Troops directed to be raised by the Resolves² of Congress of the 20th of October last, together with the Correspondence of this Board with the Secretary at War, and Mess^{rs} Robert Morris and Jeremiah Wadsworth on the above subject.

Previous to our receiving the enclosed Proposals we had advertised a Public Contract for Subsisting the Troops on the present Establishment for the Current Year; but being precluded by the present State, as well as the future prospects of the Public Resources from fixing a precise period for the payment of the Supplies to be furnished under this Contract, we proposed in our Advertisement, that the persons offering Proposals should fix not only the price of the Ration, but the term of Credit to be given to the Public. In consequence of

¹ *Papers of the Continental Congress*, No. 140, II, pp. 335-337, read February 12, 1787. Seven enclosures and a proposal are on pp. 339-372.

² *Journals*, vol. XXXI, pp. 892-893.

this Advertisement we have received only one proposition for Subsisting the Troops, and that confined to the five Northern States. Copy of this Proposal we do ourselves the honor of enclosing.

Colonel Wadsworth, who has lately been in this City has had a personal Conference with the Board, on the subject of the proposed Contract; but did not chuse to engage in it without conferring in person with M^r Robert Morris on this subject.

As we are informed by the Secretary at War, that about Two hundred and fifty Men are already Recruited under the present Establishment, in the States of Massachusetts and Connecticut; and that there is every prospect of their numbers encreasing daily, we esteem it our duty to embrace the earliest opportunity of submitting to the consideration of Congress, the principal outlines of the Contract, which has been in contemplation and to request their sentiments on the same, that we may know as soon as possible, whether we can with the sanction of Congress, enter into the Contract in question on the principles we have the honor to communicate.

We have the honor to be, etc.,

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

His Excell^y

THE PRESIDENT OF CONGRESS.

[Letter of Board of Treasury respecting loan ¹]

BOARD OF TREASURY

February 7th 1787.

SIR: In obedience to the Act of Congress of the 21st day of October last,² we have endeavored to effect a Loan for the Sum of Five hundred thousand Dollars, agreeably to the enclosed Plan, which we request the favor of your Excellency to lay before Congress.

We have received no intelligence from any of the Commissioners of the Loan Office, that a single Subscription has been made to this Loan; nor indeed was it to be expected, 'till it could be ascertained what States had provided adequate Funds for complying with the special Requisition of the 21st of October last, which was appropriated for the reimbursement of the Monies procured on the Loan. No

¹ *Papers of the Continental Congress*, No. 140, II, pp. 373-375, read February 12, 1787. A copy of the plan for the loan is on pp. 377-379.

² *Journals*, vol. XXXI, pp. 894-895.

State, except Virginia, has, to the knowledge of this Board, past any Act in compliance with the Requisition last mentioned. The Legislature of that State at their last Sessions past an Act, laying a Duty of Six Shillings Virginia Currency per Hogshead, on all Tobacco exported from that State in the present Year; and have wholly appropriated the Monies arising from this Fund to the discharge of the Special Requisition. This will probably produce the Sum of Forty thousand Dollars; which is not quite a Moiety of the Quota of Virginia on the Special Requisition. Such are the prospects from this source!

With respect to the Requisition of the 2^d of August last¹ we have received no information that any State has past an Act in compliance with it, except Virginia. The Commissioner of the Loan Office for that State, has a few days since transmitted to this Office, an Act past at the last Sessions of the Legislature of that State, in pursuance of the Requisition of the 2^d August last; but observes that it is not possible to determine what Sum in Specie can be expected from it.

From this statement of the public prospects in point of Revenue, and from the heavy Arrearages still due on the existing Requisitions, agreeably to the statement which we had the honor of submitting to the inspection of Congress on the 5th Instant, that Honorable Body will easily discover that there is no prospect of sufficient Funds coming into the Treasury in season to enable this Board to make provision for Payments on the Foreign debt, which become due in the present year.

We are, with the greatest respect, etc.,

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

His Excellency

THE PRESIDENT OF CONGRESS.

[Report of Board of Treasury on claim of General Charles Scott²]

The Board of Treasury to whom was referred a Certificate of Doctor David Oliphant,³ late Director General of the Hospitals in the State of South Carolina, relative to a Claim of the late Brigadier

¹ *Journals*, vol. XXXI, pp. 459-465.

² *Papers of the Continental Congress*, No. 138, II, pp. 325-326, read February 12, 1787. The covering letter of the Board, which was also read, is in *Papers of the Continental Congress*, No. 140, I, p. 307.

³ *Journals*, vol. XXXI, p. 758.

General Scott, together with a Report of the Board on the said Claim of the 22^d September last.¹

Beg leave to Report,

That in pursuance of the Resolve of Congress of the 3^d of October last, there has been paid to the said Brigadier General Scott, the Sum of 1066 60/90^{ths} Dollars on account of the Claim abovementioned.

That the Certificate of Doctor David Oliphant does not in the opinion of this Board, give any additional weight to the Claim of General Scott, than what was derived from the Papers heretofore submitted to their consideration; since it merely purports that the said Doctor Oliphant heard from good authority, that a large quantity of Bark and other Necessaries were by some private means procured for the use of the Sick Officers at Haddrells Point, who were in great distress for want of such Articles, without stating either the amount of such Supplies, or the Names of the Persons by whose means the same were said to have been procured; so that the said Certificate, if admitted as Evidence in this case, would equally support the Claims of other Persons, who might hereafter make demands against the United States of a similar nature with that of General Scott.

Under the above circumstances the Commissioners of this Board do not conceive themselves justified in varying from the Opinion given in their Report of the 22^d of September last.

All of which is humbly Submitted.

February 5^h 1787.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE.

[Report of Board of Treasury on petition of James Canniff ²]

The Board of Treasury to whom was referred the Petition of James Canniff of the 3^d February instant.

Beg leave to Report,

That the Claim of the Petitioner falls under that description which were previous to the 18^h day of March last, referred for Adjustment to the State Commissioners; but which are now cognisable by the Comptroller of the Treasury.

¹ *Journals*, vol. XXXI, pp. 689-690.

² *Papers of the Continental Congress*, No. 138, I, p. 195, read February 12, 1787. See February 3. According to indorsement, the papers were delivered, May 1, 1787, to Mr. Francis upon request of the memorialist.

The Board are therefore of Opinion, that it would be improper to establish a precedent for the Settlement of such Claims, out of the general line for this purpose established.

All which is humbly submitted

February 7th 1787.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE.

[Report of Board of Treasury on motion respecting claims of individuals ¹]

The Board of Treasury to whom was referred a Motion² of the Honble M^r Pettit of the 16th of October last, for authorising the Commissioners of Accounts in the several States to receive for Settlement the Claims of Individuals against the United States, untill the first day of March next, the Resolve³ of Congress of the 17th March 1785 notwithstanding.

Beg leave to Report,

That in consequence of the Powers vested in this Board by the Ordinance⁴ of Congress of the 13 of October 1786, the Commissioners of Accounts in most of the States have received notice to close the Accounts of their respective Departments, at different periods betwixt the first of January last, and the 14th of February instant.

That the only reasons which have governed this Board in not terminating the Commission of all these Officers at the same period (except in the States of North Carolina and Georgia) are that in those States where the Office of Commissioner is still continued, the same is rendered requisite, either from the state of the Accounts of the late Commissioners of the Loan Office, or from the progress which has been made in adjusting the Accounts of such States with the United States.

That to the reasons which have been submitted by this Board in their Report⁵ to Congress of the 8th March 1785, the Board beg leave to add, That the present state of the Finances and the heavy additional demands which will be made on the Treasury, in consequence

¹ *Papers of the Continental Congress*, No. 139, pp. 449-450; read February 12, 1787.

² *Journals*, vol. XXXI, p. 880.

³ *Journals*, vol. XXVIII, pp. 168-169.

⁴ *Journals*, vol. XXXI, pp. 779-781.

⁵ The date of this report was March 8, 1786. See *Journals*, vol. XXX, p. 109.

of the Resolves¹ of Congress of the 20th of October last, render it the indispensable duty of this Board to make every possible retrenchment in the Expenditures of the Civil Establishment, which is consistent with the proper Administration of the same.

Under the above circumstances, the Board are of opinion, that it would be improper to adopt the Motion referred to their consideration.

All which is humbly submitted

February 7th 1787.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

[Report of Board of Treasury on loan offices²]

The Board of Treasury to whom was referred their Letter³ of the 16th of October instant, relative to the transactions of the late Loan Offices in the States of South Carolina, and Georgia,

Beg leave to Submit to the consideration of Congress the following Resolve.

That the Commissioners of Accounts for the States of South Carolina and Georgia, be directed to Adjust without delay, the Accounts of the Loan Officers in the said States, previous to the first Day of January last; And that the Certifying of Interest on Loan Office Certificates issued from the Offices of those States be suspended, 'till a Report on the said Accounts is made by the respective Commissioners.

All which is humbly Submitted

October 27th 1786.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

¹ *Journals*, vol. XXXI, pp. 892-893.

² *Papers of the Continental Congress*, No. 139, p. 399, read February, 1787. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 287. According to *Reports of Committees, Papers of the Continental Congress*, No. 189, p. 22, the report was delivered February 12, 1787, and it and the Board's letter of October 16, 1786, were filed.

³ *Papers of the Continental Congress*, No. 139, pp. 379-385, with accompanying documents on pp. 387-388 and 391-395. See *Journals*, vol. XXXI, p. 891 n.

[Report of Commissioner for settling accounts on memorial of John Snowden ¹]

OFFICE OF ACCOUNTS FOR Q M^{rs} DEP^t

New York Nov^r 6th 1786.

The Commissioner for settling the accounts of the Quarter Masters Department, to whom was referred the Memorial of John Snowden, late a Conductor of Stores, praying that the settlement of his account may be revised and an allowance made for the depreciation on his pay, begs leave to Report,

That Mr. Snowden appears to have served in several capacities and his pay was augmented from time to time in the following manner, Viz^t From the 20th of March to the 20th July 1778 he was called Forrage Master at the Stables near Schuylkill and paid at the rate of 40 Dollars per Month: His pay was then raised to 60 Dollars per Month and continued to the 20th April 1779. He was then called Superintendant of the Stables and Barrack Master and paid at the rate of 120 Dollars per Month untill the 17th October 1779 when it was raised to 180 Dollars, and on the first of April 1780 it was again augmented to 360 Dollars per month.

This increase of pay has not kept way with the depreciation of the money, and were his accounts revised and settled by the scale there would be a considerable balance in his favor; but there is no resolution of Congress existing which authorises such revision or any allowance for depreciation to those who have served in the Quarter Master Generals Department. M^r Snowdens case is not singular, and your Commissioner is of opinion that no allowance ought to be made him unless it is made general, and depreciation allowed on the pay of all who have served in the Quarter Masters Department.

All which is humbly submitted.

JONth BURRALL.

[Letter of Secretary at War on insurgents in Massachusetts ²]

WAR OFFICE, *Feb^r 8th 1787.*

SIR: I have the honor to transmit to your Excellency, a letter from Major Whitney, aid-de-camp to Major General Shepard; which is

¹ *Papers of the Continental Congress*, No. 31, p. 343, read February 12, 1787. See February 5 and March 8, 1787. According to *Reports of Committees, Papers of the Continental Congress*, No. 189, p. 22, this report was filed.

² *Papers of the Continental Congress*, No. 150, II, p. 219; read February 12, 1787. A copy of Major Abel Whitney's letter is on pp. 211-217 and its enclosure on p. 207.

the most particular, and recent account I have received, respecting the insurgents of Massachusetts.

I have the honor to be, etc.,

H KNOX.

His Excellency

THE PRESIDENT OF CONGRESS.

[Letter of Secretary at War on Shay's rebellion ¹]

WAR OFFICE, 12th February 1787.

SIR: I have the honor and great satisfaction to inform your Excellency and Congress that the rebellion in Massachusetts is in a fair train of being speedily and effectually suppressed.

General Lincoln to whom was committed the force employed by the government of Massachusetts on this occasion has been so obliging as to inform me of his operations, the substance of which is contained in the enclosed papers.

I have the honor to be, etc.,

H KNOX

His Excellency

THE PRESIDENT OF CONGRESS.

[Letter of Secretary at War on raising troops ²]

WAR OFFICE, Feb. 12th 1787

SIR: I have the honor to inform your Excellency, that the legislatures of the States respectively, on which were apportioned the troops by the requisition ³ of Congress of the 20th of October 1786, have passed laws complying therewith, and have appointed the commissioned officers accordingly; excepting the State of Maryland, from which no information has been received.

In Massachusetts, Connecticut and Virginia, the recruiting service has commenced, on means furnished by those States, respectively: But, New Hampshire and Rhode Island, have not been able to furnish any monies for this purpose, therefore, in those States, the recruiting service has been suspended, until the board of treasury

¹ *Papers of the Continental Congress*, No. 150, II, p. 235, read February 12, 1787. The enclosures are on pp. 223-227 and 231.

² *Papers of the Continental Congress*, No. 150, II, pp. 243-245; read February 12, 1787. The enclosures are on pp. 239-241.

³ *Journals*, vol. XXXI, pp. 892-893.

could devise other means, for carrying into execution the orders of Congress. No contracts have yet been formed for either clothing, rations, or other objects of the establishment.

The number of recruits in Massachusetts amount to about 180, and in Connecticut to about one hundred. No advice has been received on this head from Virginia.

Although these troops were designed for the frontiers of the United States, I have conceived that the critical state of the public stores, at Springfield, in Massachusetts, required every exertion to give them protection. Accordingly I have directed Col^o Jackson, senior officer of Massachusetts, and Col^o Humphreys of Connecticut, to march their recruits to Springfield. A copy of their orders on this subject are enclosed.

But the late success of General Lincoln, in dispersing the insurgents, may render it unnecessary to march the recruits, from Boston, to Springfield, especially as it will retard the recruiting service, and be attended with expence. I shall therefore countermand the orders given to Col^o Jackson on this point; but, as Col^o Humphrey's recruiting service cannot be injured materially, by changing his rendezvous to Springfield, and as there are no continental guards there, I shall continue his orders of the 9th instant, in their full force, unless Congress should please to direct otherwise. I conceive that there will be the highest propriety in protecting the Stores of the United States, with their own troops, particularly in a country where such deep commotions have lately existed.

I have the honor to be, etc.,

H KNOX

His Excellency

THE PRESIDENT OF CONGRESS.

[Report of Secretary at War on sundry memorials ¹]

The Secretary of the United States for the department of War to whom were referred the Petitions and Memorials hereafter stated, Reports The following resolution on the petition² of John Paul Schott.

¹ *Papers of the Continental Congress*, No. 151, pp. 235-237, read February 12, 1787. See March 22, 1787.

² *Papers of the Continental Congress*, No. 42, VII, p. 255, read August 18, 1786. The portion of the petition relating to the commission was referred to the Secretary at War on September 12, 1786.

Resolved That Captain John Paul Schott having been deranged on the 31st of December 1780 is not entitled to a brevet Commission of Major by virtue of the Resolve¹ of Congress of the 30th September 1783.

On the Petition² of William Tapp for depreciation of pay, your Secretary observes, that it appears to have been the invariable determination of Congress to adhere to the spirit of their resolve³ of the 10th of April 1780, respecting those officers who resigned previous to that period. That in conformity thereto the accounts of individuals have been adjusted and also the accounts between the respective States and the United States. Any alteration at this period might involve endless confusion in the public accounts. Therefore the following resolve is submitted.

Resolved That the Petition of William Tapp for depreciation cannot be granted, it being contrary to the principles established respecting depreciation by the Act of Congress of the 10th of April 1780.

On the Petition⁴ of James Giles for depreciation of pay while acting as a Conductor of Military Stores, Your Secretary observes, that as M^r Giles did not resign his appointment in the service of the United States, but was transferred from the civil to the military branch of the Ordnance department therefore he is entitled to have the depreciation of his pay as Conductor of Military Stores made good to him agreeably to the Act⁵ of Congress of the 17th of October 1783.

Your Secretary apprehends that the distinction between being transferred or promoted from one department of the Army to another, or resigning and withdrawing from the public service is clear and proper, and while the Resolve of Congress of the 10th of April 1780 was operating to prevent resignations, it could not be intended to prevent promotions.

On these principles the following resolve is submitted.

Resolved, That it be and it is hereby recommended to the State of New York to make good to M^r James Giles the depreciation of his

¹ *Journals*, vol. XXV, p. 633.

² *Papers of the Continental Congress*, No. 42, VII, pp. 479-481, read and referred September 22, 1786.

³ *Journals*, vol. XVI, pp. 344-345.

⁴ *Papers of the Continental Congress*, No. 42, III, pp. 293-294, read and referred September 22, 1786. See March 22, 1787.

⁵ *Journals*, vol. XXV, p. 697.

pay while acting as Conductor of Military Stores agreeably to the Act of Congress of the 17th of October 1783.

H KNOX ¹

WAR OFFICE, November 29, 1786.

¹ FEBRUARY 12, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, pp. 134-136, committees, which were renewals of committees of the preceding Congress, were appointed as follows:

Mr. Rufus King, Mr. Stephen Mix Mitchell and Mr. Daniel Huger on a petition of Caleb Stark. See April 28, 1786.

Mr. Nathan Dane, Mr. William Samuel Johnson, Mr. John Kean, Mr. Rufus King and Mr. Egbert Benson on a report of the Secretary of Foreign Affairs, respecting a court for trial of piracies and felonies on the high seas. See May 1, 1786. For the report see *Journals* vol. XXIX, pp. 797-805.

Mr. William Grayson, Mr. John Kean and Mr. William Samuel Johnson on a petition of Nahum Akarman. See May 5, 1786. "Filed".

Mr. Rufus King, Mr. John Bull and Mr. Abraham Clark on a petition of Sarah, Countess of Stirling. See July 28, 1786.

Mr. William Samuel Johnson, Mr. William Grayson and Mr. Nathan Dane on the renewal of certificates payable to bearer. See August 17, 1786.

Mr. William Samuel Johnson, Mr. Egbert Benson and Mr. Lambert Cadwallader on the report of Board of Treasury on a petition of Samuel Davis and the report of the Commission of Army Accounts on a petition of Absalom Baird. See September 1 and 5, 1786. See also June 7 and July 28, 1786. The original committee on Baird's case was discharged.

Mr. Charles Pinckney, Mr. Melancton Smith, Mr. John Kean, Mr. Rufus King and Mr. William Few on the report of a committee respecting the Algerines. See September 11, 1786.

Mr. William Samuel Johnson, Mr. Stephen Mix Mitchell and Mr. Samuel Meredith on the accounts of Captain Allan Mc Lane and observations thereon. See September 12, 1786. The report of the previous committee was read October 18, 1786 and the matter was acted on September 1, 1788.

Mr. Melancton Smith, Mr. Lambert Cadwallader and Mr. William Pierce on the report on petition of D. Pendleton. See September 14, 1786. Mr. Pierce was replaced by Mr. William Samuel Johnson on October 9, 1787.

Mr. Rufus King, Mr. Charles Pinckney, Mr. William Samuel Johnson, Mr. Nathan Dane and Mr. James Madison on a motion for the reduction of the civil list. See September 18, 1786, and July 20, 1785. Mr. Pinckney was replaced by Mr. Abraham Clark on March 19, 1787 and the committee reported on March 22, 1787. The committee was renewed August 2, 1787.

Mr. Nathan Dane, Mr. Melancton Smith and Mr. William Grayson on the report for paying certificates for money issued between September 1, 1777 and March 1, 1778. See September 19, 1786.

Mr. Nathan Dane, Mr. Stephen Mix Mitchell, Mr. Melancton Smith, Mr. Lambert Cadwallader, Mr. William Irvine, Mr. Nathaniel Mitchell, Mr. William Grayson, Mr. William Blount, Mr. John Bull and Mr. William Few on a letter of J. Dickinson, chairman of the Convention at Annapolis. See October 11, 1786.

TUESDAY, FEBRUARY 13, 1787.

Congress assembled present Massachusetts, Connecticut New York New Jersey Pensylvania North Carolina and South Carolina and from Rhode island M^r [James Mitchel] Varnum from Delaware M^r [Nathaniel] Mitchell from Virginia M^r [James] Madison and from Georgia M^r [William] Few.

M^r J[ames] M[itche]l Varnum delegate for Rhode island produced Credentials by which it appears that on the first Wednesday in May 1786 he was duly appointed a delegate to represent the said State in Congress for one year commencing the first Monday in Nov^r 1786.

[Credentials of James Mitchel Varnum, Rhode Island¹]

By His Excellency John Collins, Esquire, Governor, Captain-General and Commander in Chief, of and over the State of Rhode Island and Providence Plantations.

Mr. James Mitchel Varnum and Mr. Uriah Forrest were added to the committee on February 13, 1787. According to *Reports of Committees, Papers of the Continental Congress*, No. 189, p. 22, the report of the committee was delivered February 19 and acted on February 20. But see February 21, 1787. For Dickinson's letter see *Journals*, vol. XXXI, pp. 678-680. According to indorsement on Dickinson's letter, there was a sub-committee consisting of Grayson, Few and S. M. Mitchell.

Mr. Nathan Dane, Mr. Lambert Cadwallader, Mr. James Madison, Mr. William Samuel Johnson and Mr. Rufus King on the Report of the Secretary for Foreign Affairs on Mr. Adams' letter respecting infractions of the treaty. See October 16, 1786. This committee was discharged March 8, 1787.

According to the *Committee Book*, p. 135, a letter of Edward Fox to Charles Thomson, dated January 26, 1787, read February 3, and a memorial of Fox, dated August 15, 1786, read August 16, respecting the settlement of the accounts of Virginia against the United States, were referred to the Board of Treasury. The letter is in *Papers of the Continental Congress*, No. 78, IX, pp. 563-567. The committee of August 18, 1786, on the memorial was discharged.

According to the *Committee Book*, p. 128, the committee of October 16, 1786, to draft an ordinance for carrying into effect the impost system of April 18, 1783, was discharged.

¹ Original indorsed as read February 13, 1787. *Papers of the Continental Congress*, Rhode Island Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, p. 205.

To James Mitchel Varnum, Esq^r Greeting

Whereas you the said James Mitchel Varnum, was at the Anniversary Election of Officers for the State aforesaid, held at the City of Newport on the First Wednesday in May instant, elected One of the Delegates to represent the said State in Congress for One Year from the First Monday in November next: I do therefore hereby empower and authorize you the said James Mitchel Varnum to represent the said State in the Congress of the United States of America; and to continue and act as a Delegate of the said State in the same, whensoever and wheresoever the said Congress shall meet, for One Year from and after the said First Monday in November next. And for your so doing this Commission shall be your sufficient Warrant.

Given under my Hand and the Seal of the said State the Eighth Day of May in the Year of our Lord One Thousand Seven Hundred and Eighty-six, and in the Tenth Year of Independence.

By His Excellency's Command,
HENRY WARD *Secry*

JOHN COLLINS

M^r Benj. Hawkins, a delegate for North Carolina produced credentials by which it appears that he is duly appointed a delegate to represent the said state in the Congress of the United States and as such to serve the tour of the late hon^{ble} Abner Nash from the 20 Dec^r 1786 until the first Monday in November next.

[Credentials of Benjamin Hawkins, North Carolina ¹]

The State of North Carolina

To the Honorable Benjamin Hawkins esquire Greeting

Whereas the General Assembly by Joint Ballot of both Houses have elected you the said Benjamin Hawkins one of the Delegates of this State to Represent the same in the Congress of the United States of America, and as such to serve the Tour of the late Honorable Abner Nash esquire Deceased.

¹ Original indorsed as read February 13, 1787, *Papers of the Continental Congress*, North Carolina Credentials. Copied in Record of Credentials, *Papers of the Continental Congress*, No. 179, I, pp. 203-204.

We do therefore by these presents nominate, Constitute and appoint you the said Benjamin Hawkins one of the Delegates to Represent this State in the Honorable the Congress of the United States of America To hold exercise and enjoy the said appointment with all powers, preheminences, privileges, Authorities and emoluments to the same belonging or in any wise appertaining from the day of the date of these presents until the first Monday in November next.

Witness Richard Caswell esquire our Governor, Captain-General and Commander in Chief under his hand and our Great Seal at Fayetteville the twentieth day of December in the Year of our Lord One thousand seven hundred and eighty six and in the eleventh Year of our Independence.

R^d CASWELL ¹

By His Excellencys Command
WINSTON CASWELL, *P. Secy*
[SEAL PENDENT]

WEDNESDAY, FEBRUARY 14, 1787.

Congress assembled. Present Massachusetts Connecticut New York New Jersey Pennsylvania Virginia North Carolina South Carolina and Georgia and from Rhode island M^r [James Mitchel] Varnum and from Delaware M^r [Nathaniel Mitchell].

A draught of an Ordinance for regulating the Post Office of the United States was read a first time.

¹ FEBRUARY 13, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 136, the following committee was appointed:

Mr. William Irvine, Mr. William Samuel Johnson, Mr. James Madison, Mr. Benjamin Hawkins and Mr. Egbert Benson on the Instructions of the Secretary at War to the Superintendents for Indian Affairs and letters from the Secretary at War, dated January 3 and February 5, 1787 (this latter letter is entered as of January in the *Committee Book*). Report rendered February 20, 1787. See February 3 and 5, 1787.

Mr. James Mitchel Varnum was added to the committee of February 12, 1787. on letter of John Dickinson.

[An Ordinance for regulating the Post Office of the United States of America ¹]

Whereas the communication of intelligence with regularity and dispatch, from one part to another of these United States, is essentially requisite to the safety as well as the commercial interest thereof; and the United States in Congress assembled, being by the articles of confederation, vested with the sole and exclusive right and power of establishing and regulating Post Offices throughout all the United States; and whereas it is become necessary to revise the several regulations heretofore made, relating to the Post Office, and reduce them to one act:

Be it therefore ordained by the United States in Congress assembled, and it is hereby ordained by the authority of the same, That a continued communication of posts throughout these United States, shall be established and maintained, by, and under the direction of the Post-Master General of these United States, to extend to and from the state of New Hampshire and the state of Georgia inclusive; and to and from such other parts of these United States, as Congress shall from time to time direct.

And be it further ordained by the authority aforesaid, That the Post-Master General, shall have two assistant Post-Masters General under him, the one for the eastern and the other for the southern department; who shall from time to time superintend and direct the post-office, in

¹ This report, in broadside form, is in the *Papers of the Continental Congress*, No. 61, pp. 607-610. It is indorsed, "Report, Mr. Grayson. Ordinance regulating Post Office, June 1786. N.B. The original Report was committed March 27th, 1788 and not returned. this is the only copy in the office." According to the *Committee Book, Papers of the Continental Congress*, No. 190 *passim*, the original committee on this subject was appointed February 28, 1785, renewed on March 14, and December 27, 1785, and February 25, 1786, and the committee of this last date reported June 15, 1786. According to *Committee Reports, Papers of the Continental Congress*, No. 189, pp. 11 and 16, the report was delivered June 15, 1786 but no consideration was given to it during 1786. The brackets indicate the mutilated parts of the document, in which the text is supplied by the editor so far as possible. In *Papers of the Continental Congress*, No. 61 pp. 431-433, there is a document entitled "Remarks upon and Alterations proposed in the Ordinances of Congress, respecting the Post Office, which are now in Force," which was used in formulating this report. This ordinance incorporated with slight variations all the sections, except one, of the Ordinance of October 18, 1782, which is entered in *Ordinances, Papers of the Continental Congress*, No. 175, pp. 55-67. See *Journals*, vol XXIII, pp. 670-678.

all its various departments and services, throughout the extent aforesaid, agreeably to the rules and regulations contained in this ordinance; the said Post-Master General shall have full power and authority to appoint a clerk or assistant to himself, and such and so many deputy Post-Masters, as he shall think proper; for whose fidelity he shall be accountable, each of whom shall reside at such place as the Post-Master General shall judge best suited, to maintain a due and regular transportation and exchange of mails. And the said Post-Master General shall be, and hereby is authorised to allow from time to time, to his said deputies respectively, such commissions on the monies to arise from postage in their respective departments, as he shall think their respective services shall merit; so as, that the said commissions shall not in the whole exceed twenty percent. and shall, by himself or his said deputies, respectively thereunto regularly authorised by him, from time to time appoint the necessary post-riders, messengers or expresses, with such salaries and allowances, as he or his said deputies respectively shall think meet, or he shall make contracts for the transportation of the mail, with the owners of the stage carriages, where the same can be effected on terms advantageous to the public, or where he shall be directed to do so by Congress.

And be it further ordained by the authority aforesaid, That the Post-Master General shall reside at the place where Congress shall hold their sessions; and the assistant Post-Masters General shall reside as near as may be in the centre of their districts respectively: They shall be appointed by Congress, but the Post-Master General shall have authority to suspend them from office, in case of mal-conduct, until the pleasure of Congress shall be known. It shall be the duty of [the] said assistant Post-Masters General, personally to visit every post-office in their districts respectively once at lea[st] in every six months, to settle accounts with the deputy Post-Masters therein, to receive all balances due thereon to the general Post-Office, and remit the same to the Post-Master General; and in general, to transact such other business of the department, as may from time to time be committed to them by the instructions of the said Post-Master General. And it shall, moreover, be the duty of the said assistant Post-Masters General, to report particularly in writing, to the Post-Master General, at the end of every six months, their own proceedings, and the state of the post roads, with the reputed distances, and of the ferries within their districts respectively; together with their own opinions, as to any alteration in the rout of the mail.

And whereas, packets have been established between divers parts of Europe and these United States, and more may be established therefrom, as well as from one part of these United States to another; and it is necessary in order to secure the payment of the inland postage, upon letters and dispatches to be sent by such packets, that the said postage should be paid at the office at which such letters or dispatches are left to be forwarded: *Be it ordained by the authority aforesaid*, That neither the Post-Master General, the assistant Post-Masters General, or the deputy Post-Masters, or any other person in the post-office department, shall forward by post, any letter, or dispatches, unless the inland postage shall first be paid therefor, at the rates established by this Ordinance; but it shall be lawful for the Post-Master General, assistant Post-Masters General, or deputy Post-Masters, to open any letters or other dispatches (which shall not by this ordinance be exempt from a charge of postage) intended to be sent by the packets, which shall be left in any post-office to be forwarded, upon which the inland postage shall not be paid as aforesaid, and having discovered the name and place of abode of the writer, shall return the same, endorsing on the back of the said letter or dispatch, returned for want of payment of the inland postage.¹

And be it further ordained by the authority aforesaid, That the Post-Master General, his clerk, assistants, and deputy Post-Masters, and post and express riders and messengers, or either of them, shall not knowingly or willingly open, detain, delay, secrete, embezzle or destroy; or cause, procure, permit or suffer to be opened, detained, delayed, secreted, embezzled or destroyed, any letter or letters, packet or packets, or other dispatch or dispatches, which shall come into his power, hands or custody, by reason of his employment in, or relating to the post-office, except by the consent of the person or persons by or to whom the same shall be delivered or directed; or by an express warrant under the hand of the President of the Congress of the United States, (or in time of war, of the commander in chief of the armies of these United States, or of a commanding officer of a separate army in these United States, or of the chief executive officer of one of the said states) for that purpose; or except in such other cases, wherein he shall be authorised so to do, by the ordinances and regulations of Congress: *Provided always*, That no letters franked by any

¹ This paragraph with slight verbal differences is in the "Remarks", *Papers of the Continental Congress*, No. 61, p. 431-432. See note 1, p. 46.

person, authorised by this ordinance to frank the same, shall be opened by order of any military officer, or chief executive officer of either of the states; and that the Post-Master General, or his assistants, or deputy post-masters, and post and express riders, and messengers, and all other persons employed in the post-office department, and each and every of them, not having already taken an oath of the same import, shall without delay, take and subscribe the following, *to wit*, "I A.B. do solemnly and sincerely swear, declare or affirm, (as the case may require) that I will well and faithfully do, execute, perform and fulfil, every duty required of me, and abstain from every act and thing forbidden by a certain ordinance, passed by the United States in Congress assembled, on the _____¹ entitled, 'An Ordinance for regulating the Post-Office of the United States.'"

And be it further ordained by the authority aforesaid, That if the Post-Master General shall be guilty of a breach of the said oath, or affirmation, or any part thereof, and be thereof convicted, he shall forfeit and pay one thousand dollars, to be sued for and recovered in an action of debt, in the state where the offence shall be committed, by the Treasurer of the United States, for the time being; and if any assistant, deputy post-master, post rider, or other person employed in the Post-office department, shall be guilty of a breach of the said oath, or affirmation, or any part thereof, and be thereof convicted, each one so offending, shall forfeit and pay three hundred dollars, to be sued for, and recovered in an action of debt, in the state where the offence shall be committed, by the Post-Master General for the time being; all which forfeitures, when recovered and received, shall be accounted for by the persons recovering the same, and applied towards defraying the necessary expences of the post-office; and every person employed in the post-office department, who shall be guilty of a breach of the said oath or affirmation, shall, besides paying the above mentioned forfeitures, be rendered incapable ever thereafter of holding any office, or place of trust or profit, under these United States. *Provided always*, That the foregoing oath, shall not be required of any special express or messenger, to be appointed at the request of any particular person or persons, in the manner herein after directed, unless the same shall be thought necessary by the Post-Master General, or the persons who shall have appointed him; which oath shall, without delay, be made by the Post-Master General,

¹ Blank to be filled with date of passage of the ordinance.

before the President of the Congress of these United States; and by each of the said clerks, assistant Post-Masters General, deputy Post-Masters, and post-riders, (except as is above provided, with respect to special expresses and messengers) before the Post-Master General, or before any civil magistrate, nominated by him for that purpose; all which persons are hereby respectively authorised to administer the said oaths; and shall respectively make and sign certificates thereof. The certificates to be signed by the President, to be lodged in the office of the Secretary of the Congress of these United States; and the other certificates respectively, to be returned into the office of the Post-Master General, there to be kept as evidence of the several qualifications therein respectively certified.

And be it further ordained by the authority aforesaid, That the Post-Master General of these United States, for the time being, and the persons appointed by him, or employed by his orders for that purpose respectively, and no other person whatsoever, shall have the receiving, taking up, ordering, dispatching, sending post or with speed, carrying or delivering of any letters, packets or other dispatches, from any place within these United States, for hire, reward, or other profit or advantage, for receiving, carrying, or delivering such letters or packets respectively; and any other person or persons presuming so to do, shall forfeit and pay for every such offence, twenty dollars, for every letter or packet, carried by him or [them] contrary to the true intent and meaning hereof; to be sued for, and recovered in an action of debt, with costs of suit, by the Post-Master General, or the assistant Post-Masters General in the state in which the offence shall be committed; and such sums as shall be thus recovered and received, shall be accounted for by the person who shall recover and receive them, and applied towards defraying the necessary expences of the post-office. *Provided nevertheless,* That nothing herein contained, shall be construed to extend to any messenger purposely sent on any private affair, and carrying letters or packets relating to such affair only; or to persons sent officially on public service by any officer of these United States, being legally authorised therefor. *And provided also,* That nothing herein contained, shall in any manner affect any private cross post-rider, that may be employed by either of the states in the union, or by any of the citizens thereof, with the consent of the Post-Master General, or an assistant Post-Master General, until a public rider shall be established on such cross-roads.

And whereas, on the arrival of ships, both from beyond seas and coastwise, into the ports of these United States, many letters directed to merchants and other citizens thereof, have by the negligence of the masters and passengers, been either opened or long detained, to the great prejudice of those to whom the same were directed:

Be it therefore ordained, That after the day of
no ship or vessel shall be permitted to break bulk, or to make any entry in any port of these United States, until the master or mate of such ship or vessel shall have produced to the proper officer at such port, a certificate signed by the Post-Master General's deputy at such port, that the said master or mate has delivered into the post-office the letters brought in such ship or vessel: And to the end, that the revenue of the post-office may not be injured by the fraudulent concealment of letters, the Post-Master General's deputies respectively shall have authority, and are hereby required to administer to each master or mate bringing such letters to their offices as aforesaid, an oath (or affirmation) that the letters so brought are, to the best of his knowledge and belief, all the letters brought into such port by the vessel of which he is the master or mate, in her present voyage, excepting only such as are directed to the owners or consignees of such vessel. And if any collector or other officer of the customs within these United States, shall admit to an entry in his office, any vessel before the master or mate thereof shall have produced to him a certificate of the delivery of the letters signed by the Post-Master General's deputy as aforesaid, such collector or other officer so admitting such vessel to an entry, shall forfeit and pay for every offence two hundred dollars. And if the captain or commander of any vessel shall enter his said vessel, or in any manner break bulk, without giving an account as aforesaid, of the letters, packets and dispatches on board his said vessel, or in case of having brought none in his vessel, shall not make affidavit thereof as aforesaid, he shall forfeit two hundred dollars for every such failure, to be recovered by action of debt, bill, plaint, or information, in any court of record within these United States, and the Post-Master General, assistant Post-Masters General, and deputy Post-Masters, are in every instance of neglect or omission, hereby specially directed to prosecute for the same, as they shall answer to the contrary at their peril.

And be it further ordained, That the Post-Master General be authorised and directed, to establish, as soon as it can conveniently be done, so many cross-posts, as will be necessary to keep up a communi-

cation between the great post road, and all the por[t]s of entry throughout these United States.

And be it further ordained by the authority aforesaid, That if any person, not being a post or express rider in the service of the General Post-Office, shall carry any letters, packets, or other dispatches from one place to another, within these United States, on any of the post roads to any place within these United States, for hire or reward, except in cases as is herein before excepted, or shall not, when bringing letters from beyond sea for hire or reward, deliver the same at the post-office, if any there be, at the place of his or her arrival, he or she shall, in each of the beforementioned cases, forfeit and pay, for every letter, packet or dispatch, carried contrary to the true intent and meaning hereof, twenty dollars, to be recovered by the Post-Master General, or any of his assistants or deputies, in an action of debt in the state wherein the offence shall have been committed, with costs of suit, and applied towards the expences of the post-office, and be accounted for accordingly; and if such offence shall be committed by any person holding a civil or military commission under these United States, he shall on conviction thereof, forfeit his commission. And for every letter, packet, or other dispatch from beyond sea, which any person shall so deliver at the post-office, he shall receive of the post-master, at the post-office, for the same, one ninetieth of a dollar.

And be it further ordained by the authority aforesaid, That the Post-Master General shall cause the mail to be carried with all care and dispatch, at least in every week, to and from each of the stated post-offices; and his assistants and deputies, shall keep and transmit to him, regular, particular, just and quarterly accounts of the incomes and expenditures of their respective offices; and from those and such other materials as shall be necessary for the purpose, the Post-Master General shall form and keep regular and just accounts of the incomes and expenditures of the general post-office, which he shall annually deliver to the Comptroller of Accounts of these United States.

And be it further ordained by the authority aforesaid, That the Post-Master General's deputies respectively, shall regularly publish at the expiration of each quarter (if it can conveniently be done) in one of the public newspapers, for three successive weeks, a list of all letters, at that time remaining in their offices, and at the expiration of the subsequent quarter, shall send such of the letters so published, as then remain, as dead letters, to the general post-office; where they shall be

opened and inspected by the Post-Master General, who shall carefully preserve such of them as may contain valuable papers, with the papers therein respectively contained, and shall insert in a book to be kept for that purpose, the date of such letter, and the name and place of direction on the same, together with a particular account of the inclosures contained therein; and at the expiration of each quarter, the Post-Master General shall cause to be published, in one of the news-papers of the state, in which the owners of such valuable papers are supposed to reside, (if a news-paper is printed in such state) else in the most convenient paper, an advertisement, informing, that such papers are in his possession, and shall deliver such letters and inclosures, to the person or persons to whom the same shall be directed, or his, her, or their order, at the post-office, he, she, or they first paying the postage for the same, at the rates from time to time established by these United States in Congress assembled, and the necessary expence of such publications as aforesaid; and in case of neglect to take [up such]letters the necessary expences shall be charged [to the United] States.

And be it further ordained by the au[thority afor]esaid, That the Post-Master General, his assi[stants a]nd deputies respectively, shall, and they are hereby [authorized], whenever the danger of robberies of the [mail s]hall in their respective judgments render the same ne[cessary] to hire occasional expresses for carrying t[he publ]ic dispatches, and such private letters, as from time [to time sh]all be in the post-offices; who shall not be confined to fixed days, nor to travel the usual post roads, b[ut shall] in those respects, be subject to the order and direction of the Post-Master General, and his assistants [and deputi]es respectively. And to the end that the expence of several expresses destined to the same place, at the [same time], may be avoided, *Be it ordained by the authority aforesaid,* That all extraordinary expresses in the publ[ic service] shall, if a post-office be established at the place, from which they shall severally take their departure, be hired by the Post-Master General, or his deputy, and set out from and return to such post-office, with the letters, packets and dispatches to be carried by them respectively.

And be it further ordained by the authority aforesaid, That the postage of all letters, packets and dispatches to and from the different post-offices, within these United States, shall be at the following rates in penny weights and grains of silver, estimating each penny weight, as at present, at five ninetieths of a dollar, *to wit.* For any distance not exceeding sixty miles, one penny weight, upwards of sixty and not

exceeding one hundred, one penny weight eight grains; upwards of one hundred and not exceeding two hundred, two penny weight; upwards of two hundred and not exceeding three hundred, two penny weight sixteen grains, and so on, adding sixteen grains for every hundred miles: And for all single letters to or from Europe, by packet or dispatch vessels belonging to these United States, four penny weights. The above rates to be doubled for double letters; trebled for treble letters, and a packet weighing an ounce, to be charged equal to four single letters, and in that proportion if of a greater weight: And to the foregoing rates shall be added, sixteen grains upon every letter, packet or dispatch which shall come into the post-office from beyond sea, by any other packet or dispatch vessels, and is to be forwarded inland by post; but upon each letter or packet brought from beyond sea, and directed to any person at the place where the vessel shall arrive, the deputy Post-Masters respectively shall charge only two ninetieths of a dollar, which shall be in full compensation for their care and trouble respecting such letters and packets: And, forasmuch as the customary allowance of one ninetieth of a dollar for each letter and packet brought from beyond sea (otherwise than by packets or dispatch vessels) and lodged in the post-office, has been found to be beneficial, the deputy Post-Masters respectively are hereby authorised to continue the said allowance to all masters of vessels (other than packets or dispatch vessels) bringing letters and packets from beyond sea, and lodging them in the post-office.

And whereas, the post-master at the port at which the European packets stately arrive, has extraordinary services to perform, for which he receives no compensation: *Be it ordained by the authority aforesaid*, That such allowance shall be made to the said post-master therefor as the Post-Master General shall deem reasonable; *Provided*, that the same shall not exceed *per centum* on the amount of the inland postage on the letters received by the packets, and forwarded from his to other offices.

And in order to prevent unnecessary delays in the transportation and delivery of letters, whereby the mercantile interest, and correspondence in general, may be materially injured: *Be it further ordained by the authority aforesaid*, That all mails brought by packets or dispatch vessels, to any port within these United States, shall be sent immediately upon the arrival of such packet or dispatch vessel, unopened and in the first instance to the post-office at such port; and all mails to be sent by such packets or dispatch vessels, on their return, shall

be made up at the said post-office, sealed with the seal thereof, and taken from thence immediately on board such packet or dispatch vessel, by the commander thereof, or some person duly authorised by him for that purpose in writing; nor shall any person, other than the Post-Master General's deputy, and the persons employed by him, take up or receive any letters to be forwarded by such packets or dispatch vessels, on penalty of two hundred dollars, to be sued for and recovered, for every offence, in an action of debt, by the Post-Master General, or the assistant Post-Masters General, in any court of record in that state in which the offence shall be committed; and such penalty when recovered, shall be applied towards defraying the necessary expences of the post-office.

And be it further ordained by the authority aforesaid, That the following rates shall be paid for the carriage of newspapers, magazines, and all other periodical publications sent by post, *to wit.*

For each newspaper, for any distance not exceeding

dwt. *grs.*

60 miles

60 to 100 do.

100 to 200 do.

And so on for every 100 miles; and for each magazine or other periodical publication, containing but one sheet, or less, the same rates as above, for the same distances; but if they contain more than one sheet, then the above rates shall be charged in proportion to the distance, for each sheet, such magazine or other periodical publication shall contain. *Provided always,* That no news-paper, magazine or other periodical publication, shall be suffered to pass in the mail, unless it shall be thoroughly dry, and the wrapper left open at one end, so that it may be clearly seen how many news papers or other publications, and whether any letters are contained therein; and if it shall appear upon examination, that any letters are concealed under such wrapper, the full rate of postage shall be charged not only on such letter, but also on the other contents of the wrapper.

And whereas, in order to promote the circulation of useful intelligence, the printers of news-papers have been allowed to exchange their papers with each other by means of the post, without any charge of postage: *Be it further ordained by the authority aforesaid,* That the same privilege shall still be continued, provided that such papers shall be dried, and put up as is before directed; and provided also, that each printer shall send to each other printer [but one copy each of] his

papers, and that such papers shall not be carried [farther by post] than to the next capital city [of a state in] which a news-paper shall be printed.

And to the end [that] all persons concerned in the post-office d[e]partment may diligently and without interruption attend t[o] the duties of their respective stations; *Be it ordai[n]ed by the authority aforesaid*, That the said persons shall be exemp[t]ed fr[om] militia duty, and from serving as jur[ors and co] nstables.

And be it further ordained by the authority aforesaid, That the salary of [the Post]-Master General, shall be _____ dollars per annum, and that of each of the assistant Post-Masters[General] _____ dollars per annum; and that the allowance to the Post-Master General for a clerk, shall be five[hundred d]ollars per annum, and no more.

And be it further ordained by the authority aforesaid, That all letters, packets and dispatches to and from the members and secretary of Congress, while at the place where Congress, or a committee of the States shall hold their sessions, and actually attending therein; to and from the late commander in chief of the armies of these United States; to and from the commissioners of the treasury collectively; to and from the heads of the departments of war, and foreign affairs, *on public service*, shall pass and be carried free of postage; provided that the whole of the superscription of letters from any of the above persons shall be written by the person entitled to the privilege of franking them, whose name shall be also subscribed.

And be it further ordained by the authority aforesaid, That all former and other acts, ordinances and resolutions, of these United States in Congress assembled, heretofore made relating to the post-office, be, and the same, and each and every of them, is and are hereby repealed and made void.

Ordered That Wednesday next be assigned for a second reading.

[Motion on cross-posts ¹]

Resolved, That the Postmaster General be authorized and empowered to grant, for a Term not exceeding seven Years, to any

¹ *Papers of the Continental Congress*, No. 61, p. 401, in the writing of Ebenezer Hazard and Abraham Clark. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 136, this motion and another motion, respecting the transportation of letters between Fort Pitt and the falls of the Ohio, were referred to the Postmaster General to report. Report rendered February 15. See February 20, 1787.

Person or Persons who will give satisfactory Security for the performance of their Contract, the exclusive Privilege of carrying Letters and Packets for hire, upon any Cross Road ~~within~~ the United States [State of Virg^a], upon which he may think a Post Rider necessary; provided that the Postage to be charged by such Persons for the Carriage of Letters and Packets shall in no Case exceed the Rates charged, pursuant to the Acts of Congress, for similar Letters and Packets carried the same Distance upon the main Post Road, and that he from time to time report to Congress all contracts entered into by him. Provided also that Contracts so to be made shall not ~~involve the General post office~~ Occasion any expence to the Gen^l post Office or lessen the Revenues of the same.

[Motion of Mr. Charles Pinckney respecting troops¹]

Resolved, That the Secretary at war be and he is hereby directed to issue instructions immediately to the officers in the recruiting service to suspend any future enlistments of troops under the resolutions of Congress of the 20th October 1786 until the further direction of Congress.

~~That he be directed to lay before Congress a return of such troops as have been already raised under the said resolutions: that he order the same with a suitable proportion of commissioned and non commissioned officers to rendezvous at Springfield.~~

THURSDAY, FEBRUARY 15, 1787.

Congress assembled. Present as yesterday and from Maryland M^r [Uriah] Forrest.

M^r Uriah Forrest a delegate for Maryland attended and ~~took his Seat~~. The Credentials for the delegates for Mary-

¹ *Papers of the Continental Congress*, No. 36, III, p. 321 in the writing of Charles Pinckney. According to indorsement and to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 136, this motion was referred, on February 14, to a committee consisting of Mr. Charles Pinckney, Mr. James Madison, Mr. Rufus King, Mr. William Samuel Johnson and Mr. William Bingham, Also, according to the *Committee Book*, the letter to the Board of Treasury, February 6, 1787, with its enclosures was referred to the same committee. Report rendered February 16. See February 12, 1787.

land ¹ ~~having been~~ were read whereby it appears that on the 2^d December 1786 the Hon^{ble} William Harrison, William Hindman, Uriah Forrest, David Ross and Nathaniel Ramsay were appointed delegates to represent that State for one whole year from the 2^d Monday in Dec^r.

The post master general to whom were referred sund motions respecting cross posts having reported thereon

[Report of Postmaster General on sundry motions ²]

GENERAL POST OFFICE,
February 15th 1787.

SIR: I have now the Honor to report upon the Motions made yesterday respecting the Transportation of Letters between Fort Pitt and the Falls of the Ohio, and, for the farming of Cross Posts: and I beg leave to observe,

That, as it appears to me, the Plan proposed by the former will be attended with an Uncertainty incompatible with every Idea of a Post Office;

That it will furnish no Mode of Conveyance which the People do not already possess;

That, as the writers will generally be on the Spot, they will be as likely to know of Opportunities of sending their Letters as a Postmaster would, and could choose such as they themselves had Confidence in; which they will, doubtless, prefer to lodging them in the hands of another Person, and paying him for sending them; which, I apprehend, is the Construction they will put upon the Charge of Postage, for it will be difficult for them to conceive of Postage where no Post is employed.

In Case of an Establishment at such a Distance as at the Falls of the Ohio, Chance must direct in the Choice of a Postmaster; the Chance is against his being a suitable Person; and it will be difficult,

¹ The original credentials, indorsed as delivered December 16, 1786, are in the *Papers of the Continental Congress*, Maryland Credentials. They state the term as one year from the second Monday of "December next" instead of "December instant", which gave rise to a doubt. See February 16. The second corrected credentials were read May 3, 1787, where they are printed.

² *Papers of the Continental Congress*, No. 61, pp. 397-398, read February 15, 1787. See February 13, 1787.

if not impracticable to procure Returns and Remittances; and, indeed, the customary Allowance to Postmasters would be no Compensation for the Trouble of making them, and much less for the Responsibility of the Officer.

For these Reasons I am of Opinion that the proposed Plan would not be eligible; and I beg leave to add, that, from a Circumstance now taking Place, the Business probably may be effected without being subject to so many Inconveniences. A Contract is nearly completed for the Cross Road from Alexandria to Bedford and Fort Pitt, so that a Postmaster at the latter Place will be appointed of Course; if the Postage on Letters sent by this Rider, to go beyond Fort Pitt, is paid at the Office in which the Letters are first lodged, there will be no Impediment to prevent the Postmaster's forwarding them by the first good Conveyance he can meet with, and it will be his Duty to do it.

The Proposal for the Establishment of Cross Posts cannot, in any way, be injurious to the Public; but, on the contrary, may be the means of making many Establishments which would not otherwise be made, accommodating the Citizens of many Parts of the Union who now derive no Benefit from Posts, and, eventually, of greatly encreasing the Revenues of the General Post Office.

All which is respectfully submitted, etc.

EBEN HAZARD

His Excellency

THE PRESIDENT OF CONGRESS

On motion of M^r [William] Grayson seconded by M^r S[tephen] M[ix] Mitchell

Resolved, That the post master general be and he is hereby authorised and empowered to grant for a term not exceeding seven years to any person or persons who will give satisfactory security for the performance of his or their contract the exclusive priviledge of carrying letters and packets for hire upon the cross roads within the State of Virginia from the City of Richmond to Staunton in the County of Augusta and from Winchester in the County of Frederick to Staunton; provided that the postage to be charged by such person or persons for the carriage of letters and packets shall in no

case exceed the rates charged pursuant to the Acts of Congress for similar letters and packets carried the same distance upon the main post road and provided also that such contract shall not occasion any expence to the general post Office.¹

FRIDAY, FEBRUARY 16, 1787.

Congress assembled. Present as yesterday.

The Com^{ee} on qualifications having reported² on the Credentials of the delegates for Maryland, thereupon

On the motion of M^r [Nathaniel] Mitchell seconded by M^r [William] Few

Resolved That though by the commission of M^r [Uriah] Forrest delegate for Maryland the time for which he is appointed to serve in Congress is not clearly expressed, yet it appears that it was intended by the State that his appointment should extend from the second Monday of December last until the second ~~Monday in~~ ~~December last~~ until the ~~second~~ Monday in December next and that the commission will admit of such a construction.

The Com^{ee} of qualifications report That M^r [James Mitchel] Varnum the delegate attending from the State of

¹ FEBRUARY 15, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 137, the following committee was appointed:

Mr. Rufus King, Mr. James Madison, Mr. Lambert Cadwallader, Mr. Charles Pinckney and Mr. Abraham Clark on a motion for repealing the Ordinance of October 13, 1786, for establishing a Board to liquidate and settle all accounts between the United States and individual States. Cf. *Papers of the Continental Congress*, No. 59, III, pp. 431-432. Mr. Pinckney was replaced by Mr. James Mitchel Varnum on March 12, 1787. See March 29, 1787.

According to indorsement, an extract of a letter from a gentleman in Kentucky to a friend in Philadelphia, dated December 12, 1786, giving an account of the conduct of General Clarke, was communicated to Congress by the President and referred to the Secretary for transmission to the Governor of Virginia. The copy is in the *Papers of the Continental Congress*, No. 49, pp. 323-324.

² The report in the writing of Mr. William Few and Mr. Egbert Benson, with corrections to make it agree with the *Journal* entry and indorsed as read February 16, is in the *Papers of the Continental Congress*, No. 23, p. 273. A longer report in the writing of Mr. Benson, on the same matter, which apparently was not considered, is on pp. 275-276.

Rhode island &c is duly appointed to serve in Congress for one year from and after the first Monday in November last.

Resolved That Congress agree to the said report.

[Report of Committee on recruiting ¹]

The Committee consisting of [Mr. Charles Pinckney, Mr. James Madison, Mr. Rufus King, Mr. William Samuel Johnson and Mr. William Bingham] To whom was referred a motion for ~~instructing immediately~~ [directing] the Secretary at war to issue instructions [immediately] to the officers in the recruiting service to suspend any future inlistments of troops under the resolutions of Congress of the 20th October 1786 until the farther direction of Congress

Report that in their opinion the present situation and circumstances of the United States make it prudent to postpone for a short time a decision on the subject which has been referred to them.

MONDAY, FEBRUARY 19, 1787.

Congress assembled present as before.

Congress being assembled Present Massachusetts Connecticut New York New Jersey Penylvania Virginia North Carolina South Carolina and Georgia and from R[hode] Island M^r [James Mitchel] Varnum and from Maryland M^r [Uriah] Forrest.²

The President being absent Congress proceeded to the election of a chairman and the ballots being taken

The hon^{ble} Lambert Cadwallader was elected.

The Com^{ee} ³ consisting of M^r [Rufus] King M^r [William Samuel] Johnson and M^r [Samuel] Meredith to whom was referred a petition ⁴ of Thomas Russel of Boston in the state

¹ *Papers of the Continental Congress*, No. 27, p. 319, in the writing of Mr. Charles Pinckney. Read February 16 and made the order of the day for Monday, February 19, 1787.

² The attendance is entered in this form in the *Secret Domestic Journal, Papers of the Continental Congress*, No. 3, p. 230.

³ According to *Committee Book, Papers of the Continental Congress*, No. 190, p. 137, the committee was appointed February 19 and reported the same day.

⁴ *Papers of the Continental Congress*, No. 42, VI, p. 526, read February 19. The committee report is indorsed on the petition.

of Massachusetts praying that sea letters may be granted for two vessels belonging to him now at Boston and bound for the east Indies, namely the Brig Nathaniel whereof Moses Brown is Master and the Schooner "The generous Friends", Eli Vickery master having reported "That they are assured that the vessels above mentioned with their cargoes belong to a citizen of the United States and are navigated by seamen who are citizens of the United States."

Resolved That sea letters in the usual form be granted for the said vessels,

¹ The com^{es} consisting of M^r [Charles] Pinckney M^r [James] Madison M^r [Rufus] King M^r [William Samuel] Johnson and M^r [William] Bingham to whom was referred a motion for directing the Secretary at war to issue instructions immediately to the officers in the recruiting service to suspend any future enlistments of troops under the resolutions² of Congress of the 20 Oct 1786 until the farther directions of Congress having reported³ "That in their opinion the present circumstances of the United States make it prudent to postpone for a short time a decision on the subject which has been referred to them". And this report being called for as an Order of the day by the State of South Carolina and being under debate, a motion⁴ was made by M^r [Charles] Pinckney seconded by M^r [William] Few That the further consideration of the said report be postponed in order to take up the following

"Whereas neither the requisition⁵ of the 21 of Oct 1786, nor the loans which the board of treasury were directed to

¹ From this point to the end of the day the entry is also made in *Secret Domestic Journal, Papers of the Continental Congress*, No. 3, pp. 230-232, under the date "Monday February 16, 1787". The margin of the *Public Journal* is marked with dots to indicate transfer to the *Secret Journal*.

² *Journals*, vol XXXI, pp. 892-893.

³ See February 14 and 16, 1787.

⁴ *Papers of the Continental Congress*, No. 27, pp. 321-322, in the writing of Mr. Charles Pinckney.

⁵ *Journals*, vol. XXXI, p. 893 ff.

make in consequence thereof for paying and subsisting the troops directed to be raised by the resolutions of the 20 of October last have yielded the sums expected from the same, and on the prospect of obtaining which the additional number of 1340 men was alone determined to be raised; And as the present critical and embarrassed situation of the funds of the United States is such as not to permit the raising and equipping the whole number of troops mentioned in the said resolutions without interfering with the more necessary and important purposes of collecting supplies for the maintenance of the civil list and the contingencies of the federal government, the payment of the interest and such parts of the Capital as are and will become due on the foreign loans; And as it would be highly dangerous and impolitic either to apply the sums appropriated to these purposes to the maintenance of an additional military establishment, in itself not necessary to the full extent, or to place arms in the hands of a body of disciplined troops, for whose pay and subsistence the United States are not at present nor will soon probably be in a situation to provide; Therefore resolved that the Secreatry at war be and he is hereby ordered to issue immediate instructions to the Officers in the recruiting service to suspend any future inlistments under the resolutions of the 20th of October until the farther direction of Congress, except so far as to compleat the corps now in service on the Ohio or its neighbourhood to the number of -----⁶ non commissioned Officers and privates; that he direct the troops already raised with a suitable proportion of commissioned Officers to rendezvous at ----- And that he report to Congress the arrangements necessary for compleating the said corps and for discharging the Officers who may have been commissioned but whose services are by this reduction rendered unnecessary.”

⁶ In the original motion this blank read “one thousand”. which was crossed out.

On the question to postpone for the purpose above mentioned the yeas and nays being required by M^r [Charles] Pinckney

<i>Massachusetts</i>			<i>Maryland</i>		
M ^r King	no	}no	M ^r Forrest	no *	
M ^r Dane	no		<i>Virginia</i>		
<i>Rhode island</i>			M ^r Grayson	ay	
M ^r Varnum	no *		M ^r Madison	no	
<i>Connecticut</i>			<i>North Carolina</i>		
M ^r Johnson	no	}no	M ^r Blount	ay	
M ^r S M Mitchell	no			M ^r Hawkins	ay
<i>New York</i>			<i>South Carolina</i>		
M ^r Smith	no	}no	M ^r Bull	ay	
M ^r Benson	no			M ^r Pinckney	ay
<i>New Jersey</i>			M ^r Kean	no	
M ^r Cadwallader	ay	}ay	M ^r Huger	ay	
M ^r Clarke	ay			M ^r Parker	ay
M ^r Schurman	ay			<i>Georgia</i>	
<i>Pensylvania</i>			M ^r Few	ay	
M ^r Irwine	ay	}ay	M ^r Pierce	ay	
M ^r Meredith	ay				
M ^r Bingham	ay				

So the question was lost.

On motion of M^r [James] Madison seconded by M^r [Rufus] King

Ordered That this be under the injunction of secrecy for two months.

Ordered That the consideration of the report be postponed.

February, 1787

65

[Letter of Board of Treasury on French debt ¹]

BOARD OF TREASURY
February 19th 1787.

SIR: We have the honor to enclose to Your Excellency for the consideration of Congress, the Report of this Board on an Extract of a Letter from the Honble. M^r Jefferson Minister Plenipotentiary to the Court of France of the 26th of September 1786.

We are with great respect, etc.,

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

His Excell^y
THE PRESIDENT OF CONGRESS.

[Letters of Secretary of Foreign Affairs transmitting correspondence]

OFFICE FOR FOREIGN AFFAIRS
15th February 1787 ²

SIR: I have the Honor of transmitting to your Excellency herewith enclosed a Letter of the 28th October last from the Marquis De la Fayette. The Paper mentioned to be enclosed has on a former Occasion been laid before Congress.

With great Respect, etc.,

His Excellency
THE PRESIDENT OF CONGRESS

¹ *Papers of the Continental Congress*, No. 140, II, p. 385. The report, read February 19, 1787, is on pp. 463-467. The extract of Jefferson's letter, regarding the purchase of the United States debt to France by Holland merchants, is on pp. 389-391. The report was acted on October 2, 1787, under which date it is entered *verbatim* in the *Secret Journals, Papers of the Continental Congress*, Nos. 5 and 6. See February 2, 1787.

² *Papers of the Continental Congress*, No. 80, III, p. 185, read February 19, 1787. Lafayette's letter, relating to Diego Gardoqui, the navigation of the Mississippi and commerce, is in *Papers of the Continental Congress*, No. 156, p. 450-452 read February 19, 1787. See *Journals*, vol. XXXI, pp. 540-543.

NEW YORK 19th, October 1786 ¹

SIR: I have the Honor to transmit to your Excellency herewith enclosed a Letter from M^r Lamb of 10th October last, and the Paper accompanying it, and am with great Respect etc.,

JOHN JAY.²

His Excellency

THE PRESIDENT OF CONGRESS

TUESDAY, FEBRUARY 20, 1787.

Congress assembled present nine states as before.

[Report of Committee on Indian Affairs ³]

The Committee [consisting of Mr. William Irvine, Mr. William Samuel Johnson, Mr. James Madison, Mr. Benjamin Hawkins and Mr. Egbert Benson,] to whom was referred the draft of Instructions for the Superintendent of Indian affairs of the northern district, together with sundry letters and papers,

Report the following

Instructions ⁴ to ~~the~~ Superintendent of Indian Affairs
for the ~~Northern~~ Department

SIR: The United States in Congress assembled having been pleased to appoint you to the important office of Superintendent of Indian affairs for the you will have every inducement that such

¹ *Papers of the Continental Congress*, No. 80, III, p. 193, read February 19, 1787. Lamb's letter, respecting the cost of the Spanish peace with Algiers, is in *Papers of the Continental Congress*, No. 91, II, pp. 525-527.

² According to the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 136, the grand committee of February 12, 1787, on the letter of J. Dickinson reported. See February 21, 1787.

³ *Papers of the Continental Congress*, No. 30, pp. 313-314, read February 20, 1787, and made the order of the day for February 21.

⁴ The instructions, (*Papers of the Continental Congress*, No. 30, p. 315.) in broadside form with manuscript changes by Mr. Irvine, indicated by lined type and brackets, apparently formed a part of the report. The draft submitted by the Secretary at War is in *Papers of the Continental Congress*, No. 151, p. 223-228. See February 3, 1787.

high confidence can inspire, to exert yourself to fulfil their just expectations.

The ordinance of Congress for the regulation of Indian affairs, passed the 7th of August, 1786, and such other regulations as they may hereafter think proper to establish, are to be the governing principles of your conduct, and you are to enjoin an exact observance thereof on your deputies.

Many important considerations render it necessary that the United States should be at peace with the Indians, provided it can be obtained and preserved consistently with the justice and dignity of the nation. You will therefore immediately endeavour to ascertain the causes which have influenced the Indians to the commission of the murders on the frontiers, and to report the same. In this business it will be necessary not only to mark precisely the grounds of the present evils, but to ascertain the remedies, if any, which are within the power of the union, short of actual hostilities. The United States are fixed in their determination, that justice and public faith shall be the basis of all their transactions with the Indians. They will reject every temporary advantage obtained at the expence of these important national principles. But while they evince this determination by their conduct, they will not suffer unprovoked aggressions, with impunity, ~~even from savages.~~

Justice forbids the United States from being guilty of oppression; but at the same time it dictates that their peaceable citizens shall be protected in their lawful pursuits.

~~Let the Indians know that their just complaints shall be listened to with attention and the causes removed; but that their murders shall be punished.~~

~~Being impressed with the main objects of the public, you will conform all your negociations accordingly, by [to] conciliating the affections of the several tribes, and fixing their confidence in the friendship of the United States.~~

It is the desire of Congress to obtain full information of ~~all~~ the Indian tribes within the limits of the United States, and such others as may inhabit the country bordering thereon. You will therefore endeavour to ascertain their numbers and characters, and as far as possible the characters of the chiefs of each tribe; their particular residence, and the district which they occupy for their general hunting grounds. The quantity and quality of furs taken annually; the

usual price and markets at which they are sold, and the kind of payments which are received.

The commerce with the Indians will be an object of importance, and ought to be cultivated by all proper means. As no traders will be suffered, without a license from you, or your deputies, it will be necessary that you should be attentive to their characters and conduct, as the preservation of peace will depend in a considerable degree on the fairness of their transactions. Any complaints of the Indians against the traders, must be enquired into, and if just, redressed without delay.

You will report the number of traders whom you annually license, the states they are from, and the districts in which they are to trade.

Humanity and policy will dictate that you endeavour to obtain an early release of all the citizens of the United States, who have been or may be captured by the Indians.

You will fix and maintain a constant friendly correspondence with the chiefs of the several nations within your district, and make them occasional presents of such articles as may be in your possession for that purpose by the orders of Congress. But this business must be regulated by the highest discretion. ~~The circumstances of the United States will not admit of their entering into a competition with the practice of the British nation in this respect.~~ The presents must therefore be in proportion to the importance of the characters and the public means.

~~It may so happen that some Indian chiefs may wish to repair to Congress; in this case, and [if] you should be of opinion that the national interest would be thereby [essentially] promoted; you will forward them at the public expence, with proper interpreters and credentials. But as this business will be considerably expensive, you will suffer it only on [very] important occasions.~~

~~You will [are to] hold general and particular treaties from time to time, agreeably to the orders of Congress, the objects of which will be specified. You will also hold such occasional treaties and councils [conferences] as, in your opinion, shall be necessary for to promote the public interests, reporting always to this office the time, place, objects and effects of such treaties and councils [conferences].~~

You will employ, occasionally, such interpreters, [and] messengers ~~and laborers~~, as the business of your department shall demand, and agree for their pay; provided always that you report the same to this office and the board of treasury.

The commanding officer of the troops in the United States on the frontiers, will have orders to concur with you to promote the common interest, by furnishing you with escorts or guards for yourself, and the public property in your charge, and rendering such assistance as in his opinion may be necessary, and the state of his command can afford.

~~It may be proper for you to encourage some young white men to reside among the Indian tribes to learn their language and customs; and some young Indians to repair to schools in different states, to learn the language and customs of the United States.~~

A constant and regular communication of all your observations and transactions to this office, for the information of Congress, will be highly necessary, and must be performed with punctuality.

It has been thought proper to give you these instructions for your general government; particular instructions may be forwarded from time to time. But much must be left to your prudence, fidelity and judgment. The business confided to your management is highly responsible, and requires an intimate knowledge of human nature, as well as of the habits, customs and particular views of the Indians.

You will undoubtedly endeavour to perform the duties of your office in such a manner as to merit the approbation of Congress.

Given at the War-Office of the United States this day of

Your Committee are of opinion that the secrecy observed by the Indians, of the result of their Council ~~said to be held~~ at Sandusky, indicates hostile intentions, therefore offer the following Resolutions.

Resolved that the Secretary at War Instruct the Superintendant of Indian affairs for the northern district, to take the most effectual and speedy measures in his power, for ascertaining the real designs of the Shawane, Delaware, and Wyindot Nations, particularly.

Resolved, That the Secretary at War be, and he is hereby directed to take order for immediately posting the Troops now in the Western Country at such places, as most effectually ~~under circumstances~~ to protect the Inhabitants, on the Western frontier of Pennsylvania and Virginia from incursions and depredations of the Savages.

[Order of Congress ¹]

That the Com^d of Army acco^{ts} proceed to the final settlem^t of the acco^{ts} of the late Maj. gen^l St Clair, notwithstanding the defects of

¹ This order was entered by Charles Thomson in the *Committee Book, Papers of the Continental Congress*, No. 190, p. 137. It was referred to the Commissioner of Army Accounts to take order.

the acco^{ts} of Henry Valentine, M^r St Clair previously stipulating to account for such charges, if any, as may hereafter be brought against him from the accounts of issues by the s^d Henry Valentine.

[Letter of Secretary at War with intelligence from Mr. Traversie ¹]

WAR OFFICE *February 19th 1787.*

SIR: I have the honor to transmit to your Excellency the translation of a letter from a M^r Joseph Traversie dated at lake Champlain the 24 December 1786. This person is a Canadian who during the late war was in the confidence of some of the northern tribes of indians. On that account General Gates employed him to obtain intelligence from Canada and recommended him for his attachment to the United States. On an examination of his services by a committee, Congress were pleased by their resolve² of the 8th of August 1782 to direct that he should receive one hundred dollars in full for his services to the 20th of November 1780 and that he should be allowed ten dollars per month in full for his support until the further orders of Congress which sum is still paid to him.

Although I am strongly inclined from the improbability of the circumstances to disbelieve his assertions, yet their importance and the manner in which he states them render it my duty to submit his letter to Congress.

I have the honor to be, etc.,

H KNOX³

His Excellency

THE PRESIDENT OF CONGRESS

¹ *Papers of the Continental Congress*, No. 150, II, pp. 247-248, read February 20 1787. A translation of Traversie's letter, regarding persons taking oath of allegiance to England, is on pp. 249-251.

² *Journals*, vol. XXII, p. 457.

³ FEBRUARY 20, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 137, the following committees were appointed:

Mr. Egbert Benson, Mr. William Blount and Mr. Melancton Smith on the petition of Josiah Throop. According to the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. 4, this petition was received February 20, 1787.

Mr. William Grayson, Mr. Abraham Clark and Mr. William Blount, on a motion respecting the transportation of letters between Fort Pitt and the Falls of the Ohio. See February 13 and 15, 1787.

WEDNESDAY, FEBRUARY 21, 1787.

Congress assembled as before.

The report of a grand com^{ee}¹ consisting of M^r [Nathan] Dane M^r [James Mitchel] Varnum M^r S[tephen] M[ix] Mitchell M^r [Melancton] Smith M^r [Lambert] Cadwallader M^r [William] Irwine M^r N[athaniel] Mitchell M^r [Uriah] Forrest M^r [William] Grayson M^r [William] Blount M^r [John] Bull and M^r [William] Few, to whom was referred a letter of 14 Sept^r 1786 from J Dickinson written at the request of Commissioners from the States of Virginia Delaware Pennsylvania New Jersey and New York assembled at the City of Annapolis together with a copy of the report of the said Commissioners to the legislatures of the States by whom they were appointed, being called for as an Order of the Day was called up and which is in the words following viz contained in the following resolution viz,

“Congress having had under consideration the letter² of John Dickinson esq^r chairman of the Commissioners who assembled at Annapolis during the last year also the proceedings of the said commissioners and entirely coinciding with them as to the inefficiency of the federal government and the necessity of devising such farther provisions as shall

Also according to the *Committee Book*, p. 137, there were referred to the Board of Treasury to report the following:

Petition of Elijah Hunter.

Petition of Abraham Yates, jr., dated February 20, 1787, and read the same day. Report rendered March 19, 1787. The petition is in *Papers of the Continental Congress*, No. 42, VIII, p. 471, and bears the indorsement “Question on commitment Oct. 9, 1787.”

Report of the Commissioner of Army Accounts, May 24, 1786, on memorial of M. Willett. Report rendered March 8 and passed March 21, 1787. See *Journals*, vol. XXX, pp. 305-306.

According to *Committee Reports*, *Papers of the Continental Congress*, No. 189, p. 22, the report of the committee on J. Dickinson's letter (see February 12) was acted on, i.e. made order of the day for February 21, 1787.

¹ This committee was appointed February 12 and reported February 19, 1787.

² *Journals*, vol. XXXI, pp. 678-680.

render the same adequate to the exigencies of the Union do strongly recommend to the different legislatures to send forward delegates to meet the proposed convention on the second Monday in May next at the city of Philadelphia.”

The delegates for the state of New York thereupon laid before Congress Instructions¹ which they had received from their constituents and in pursuance of the said instructions moved to postpone the farther consideration of the report in order to take up the following proposition² to wit

“That it be recommended to the States composing the Union that a convention of representatives from the said states respectively be held at _____ on _____ for the purpose of revising the Articles of Confederation and perpetual Union between the United States of America and reporting to the United States in Congress assembled and to the States respectively such alterations and amendments of the said Articles of Confederation as the representatives met in such convention shall judge proper and necessary to render them adequate to the preservation and support of the Union.”

On the question to postpone for the purpose above mentioned the yeas and nays being required by the delegates for New York.

¹ The attested copy of the concurrent resolution of the New York Legislature, respecting the calling of a convention, is in the *Papers of the Continental Congress*, No. 67, II, p. 555.

² This motion, in the writing of Mr. Egbert Benson, is in the *Papers of the Continental Congress*, No. 36, III, p. 323. The wording of the motion is the same as that of the Instructions of the New York Legislature.

<i>Massachusetts</i>			<i>Maryland</i>	
M ^r King	ay	}ay	M ^r Forrest	no *
M ^r Dane	ay		<i>Virginia</i>	
<i>Connecticut</i>			M ^r Grayson	ay
M ^r Johnson	ay	}d	M ^r Madison	ay
M ^r S. M. Mitchell	no		<i>North Carolina</i>	
<i>New York</i>			M ^r Blount	no
M ^r Smith	ay	}ay	M ^r Hawkins	no
M ^r Benson	ay		<i>South Carolina</i>	
<i>New Jersey</i>			M ^r Bull	no
M ^r Cadwallader	ay	}no	M ^r Kean	no
M ^r Clarke	no		M ^r Huger	no
M ^r Schurman	no		M ^r Parker	no
<i>Pensylvania</i>			<i>Georgia</i>	
M ^r Irwine	no	}no	M ^r Few	ay
M ^r Meredith	ay		M ^r Pierce	no
M ^r Bingham	no			
<i>Delaware</i>				
M ^r N Mitchell	no			*

So the question was lost.

A motion¹ was then made by the delegates for Massachusetts to postpone the farther consideration of the report in order to take into consideration a motion which they read in their place, this being agreed to, the motion of the delegates for Massachusetts was taken up and being amended was agreed to as follows:

Whereas there is provision in the Articles of Confederation and perpetual Union for making alterations therein by the Assent of a Congress of the United States and of the legislatures of the several States; And whereas experience hath evinced that there are defects in the present Confederation, as a mean to remedy which several of the states and particularly the state of New York by express instructions to their delegates in Congress have suggested a Convention for the

¹ *Papers of the Continental Congress*, No. 36, III, pp. 329-330, in the writing of Mr. Nathan Dane, with an amendment on the reverse by Mr. Rufus King.

purposes expressed in the following resolution and such Convention appearing to be the most probable mean of establishing in these states a firm national government.¹

Resolved that in the opinion of Congress it is expedient that on the second Monday in May next a Convention of delegates who shall have been appointed by the several States be held at Philadelphia² for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the States render the federal Constitution adequate to the exigencies of Government³ and the preservation of the Union.

THURSDAY, FEBRUARY 22, 1787.

Six States only attending namely Massachusetts New York New Jersey Pennsylvania North Carolina and Georgia and from Connecticut M^r S[tephen] M[ix] Mitchell from Delaware M^r N[athaniel] Mitchell and from Maryland M^r [Uriah] Forrest, the chairman adjourned Congress to 10 oclock to morrow.

FRIDAY, FEBRUARY 23, 1787.

Six States only attended namely Massachusetts New York New Jersey Pennsylvania Virginia and North Carolina and

¹ This paragraph in the original motion is as follows:—

“Whereas by the federal Constitution of the United States provision is made for making alterations in it by the Consent of a Congress of the United States and the legislatures of all the States; and whereas by ~~trial~~ and experience defects are found to exist in it, to remedy which, and render it adequate to the exigencies of the union and the permanent preservation thereof many of the States have [ing] suggested ~~the measure~~ and the State of N.Y. have ~~suggested~~ instructed her Delegates accordingly the measure of a Convⁿ of the States for these purposes and from these and other Circumstances such Convention appears to be the most probable mean of establishing in these States a firm national Government.” A copy of this paragraph as it appears in the *Journal*, in the writing of Thomson is in the *Papers of the Continental Congress*, No. 36, III, p. 327.

² “Philadelphia” is not in the original motion.

³ “Confederaey” in the original.

from Connecticut M^r S[tephen] M[ix] Mitchell from Maryland M^r [Uriah] Forrest and from Georgia M^r [William] Few.

MONDAY, FEBRUARY 26, 1787.

Congress assembled present Massachusetts New York New Jersey, Pennsylvania Virginia, North Carolina and Georgia and from Rhode island M^r [James Mitchel] Varnum from Connecticut M^r S[tephen] M[ix] Mitchell from Delaware M^r N[athaniel] Mitchell.

[Report of Board of Treasury regarding regimental agents ¹]

The Board of Treasury to whom was referred a Resolve of the General Court of the State of Massachusetts, directing an Application to be made to the United States in Congress to enforce obedience from the Regimental Agents to the Acts² of Congress of the 3^d of November 1783,

Beg leave to Report the following Resolve.

Resolved, That the Executive Authorities of the respective States be requested to cause process to be issued forthwith at the expence of the United States, against such of the Regimental Agents, appointed to their respective Lines in the late Army, as shall neglect on proper Application to deposit the Certificates by them received of the Commissioner of Army Accounts, agreeably to the Resolves of Congress of the 3^d of November 1783.

All which is Submitted.

February 20th, 1787.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

¹ *Papers of the Continental Congress*, No. 139, p. 453, read February 26, 1787. See February 3. The covering letter of the Board is in *Papers of the Continental Congress*, No. 140, I, p. 315.

² *Journals*, vol. XXV, p. 801.

[Resolution of the State of Virginia for a convention to regulate import duties ¹]

VIRGINIA. IN THE HOUSE OF DELEGATES
Wednesday the 8th of November 1786

Whereas, on the 13th of January 1786, a Resolution was entered into by the General Assembly of this State in conformity to a Resolution entered into by the State of Maryland in the same year, and transmitted to this State for its concurrence in the following words:

Resolved, That it is essential to the Commerce and Revenue of the state of Maryland, and this state, that Duties on Imports or Exports (if laid) should be the same in both States, and that it is proper for the Legislatures of the said States at their annual meeting in the Autumn to appoint Commissioners to meet and communicate the regulations of Commerce, and Duties proposed by each State, and to confer on such subjects as may concern the Commercial Interests of both States, and within the power of the respective States, and that the number of Commissioners in both States should be equal, not less than three, nor more than five from each State, and they should annually meet in the third week of September, if required by the Legislature of either State, or the Commissioners thereof, at such place as they should appoint."

Resolved thereof, that five Commissioners be appointed by joint ballot of both Houses, who or any three of whom shall be authorized to meet Commissioners from the State of Maryland at the time and for the purposes above mentioned and at such place as may be agreed on.

And Whereas no meeting can take place under the foregoing Resolutions, passed by the two States prior to the third week in September next, and it is much to be desired that the object thereof may be provided for in the mean time.

Resolved, That the Commissioners so to be appointed shall without delay endeavour to effect a meeting with Commissioners from Maryland, and to concert and report the proper Regulations to the two Legislatures, during their existing Sessions.

And Whereas additional advantage would accrue from the Concurrence of the State of Pennsylvania, in the proposed conferences and Regulations,

¹ *Papers of the Continental Congress*, No. 71, II, pp. 475-476, read February 26, 1787. Referred to a committee on March 1. See March 13 and May 8, 1787.

Resolved, that a Copy of these Resolutions be immediately transmitted by the Executive to the Executive of that State, as well as the State of Maryland, and that the Commissioners from this State when appointed communicate to the State of Pennsylvania the time and place of the proposed meeting, as an invitation to the Legislature of the Said State to concur therein.

Provided that the foregoing Resolutions shall be forthwith transmitted to the Delegates from this State in Congress, to be by them laid before Congress for the purpose of obtaining the concurrence of that Honorable Body thereto.

1786 NOV^r 22^d

Agreed to by the Senate Teste

H. BROOKE *CS.*

JOHN BECKLEY *Clk H.D*

[Letter of Secretary at War on Indian Affairs ¹]

WAR OFFICE, *February 23rd 1787.*

SIR: I have the honor to transmit to your Excellency, a copy of a letter just received from the Superintendent of indian affairs for the northern department, dated at Fort Pitt the 31st ultimo.

As soon as Congress shall have decided on the general instructions for the Superintendants, they shall be immediately forwarded to him, as he conceives them essential to a right discharge of the duties of his department.

I have the honor to be, etc.,

H KNOX

His Excellency

THE PRESIDENT OF CONGRESS.

¹ *Papers of the Continental Congress*, No. 150, II p. 255, read February 26, 1787. The copy of the letter of General Richard Butler is on pp. 257-258.

[Letter of Secretary for Foreign Affairs on letter of J. M. Pintard.¹]

NEW YORK 22^d February 1787

SIR: I have the Honor of transmitting to your Excellency herewith enclosed, a Letter ² of the 20th Instant which I have received from John Marsden Pintard Esq^r, and am with great Respect and Esteem, etc.

JOHN JAY

His Excellency

The PRESIDENT OF CONGRESS.

[Letter of Postmaster General regarding mail service³]

GENERAL POST OFFICE,

New York February 22^d 1787.

SIR: Pursuant to the Orders of Congress of 26th October last, I have detained in my hands so much money as one Quarter's Pay for the Transportation of the Mail from this City to Philadelphia amounts to, and have endeavoured to find out the Causes of the many Disappointments which have taken Place in the Conveyance of the Mail upon that Route. For this Purpose I applied to Col. Ogden (the Contractor) who supposed they might be sufficiently accounted for from the Incivility of a M^r Jacamiah Smith, who keeps the Ferry at Powles Hook; and, as is alledged, frequently refused sending the Mail across, upon its Arrival, which prevented its being brought to the Office in Season. He referred me for Particulars to a M^r Joseph Lyon, who usually took the Mail from this City, and went with it, sometimes as far as Elizabeth Town, sometimes to Hackinsack Ferry, and sometimes no farther than to Powles Hook. M^r Lyon called upon me, and confirmed Col. Ogden's Account of M^r Smith's Incivility; and added, that they sometimes met with similar Treatment at Hackinsack Ferry; and, that he believed that when the Mail had arrived too late, it had been generally owing to Detentions occasioned by the Badness of the Roads and Ferries. This is the only Person

¹ *Papers of the Continental Congress*, No. 80, III, p. 205, read February 26, 1787.

² *Papers of the Continental Congress*, No. 78, XVIII, pp. 623-624, read February 26, 1787. It requested appointment as consul at Lisbon. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 137, the letter was referred to the Secretary for Foreign Affairs to report. Report rendered March 8, and acted on March 13, 1787.

³ *Papers of the Continental Congress*, No. 61, pp. 291-292, read February 26, 1787.

who been with me on Behalf of Col. Ogden; and he can speak with Certainty respecting no other Part of the Road than that between this City and Elizabeth Town. From Information received otherwise it appears, that although Col. Ogden contracted for the whole Distance from New York to Philadelphia, yet his Stages travelled but a small Part of it; and the Owners of the others, having no Interest in the Mail, would come under no particular Obligations about it; and their Drivers could not be put under Oath as the Contract required. He afterwards sold his Interest in the Stages, before the Expiration of the Contract, reserving to himself the Emoluments arising from the Carriage of the Mail. It was from these Sources, I apprehend, that the Disappointments which took place in the Conveyance of the Mail arose; to which may be added, that as there was no Person with the Mail whose express Business it was to take Care of it, it was, of Course, but a secondary Object of Attention. For a small Distance on this End of the Road, indeed, M^r Lyon had the Care of it; but, as he informs me, he was not under Oath; and there have been Instances of the Mail's being brought from Powles Hook to this City, without being expressly in the Charge of any Person.

I now beg Leave to inform your Excellency, that Col. Ogden is in Town, expecting Payment of what is due to him; and I wait only the Orders of Congress for completing the Settlement with him.

I have the honor to be, etc.,

EBEN HAZARD

[Letter of Postmaster General on establishing Posts with Canada ¹]

GENERAL POST OFFICE

February 26th 1787

SIR: A Letter lately received from Hugh Finlay, Esquire, Deputy Postmaster General for the Province of Quebec, has at length enabled me to report upon the Proposal for establishing regular Posts between the American and Canadian Offices. A Correspondence upon this Subject took Place between Mr. Finlay and myself, and the Business was so far matured that a Plan for conducting it upon equitable, and mutually beneficial Principles was proposed; and from the Ardor M^r Finlay had discovered upon the Occasion, I flattered myself the

¹ *Papers of the Continental Congress*, No. 61, p. 295, read February 26, 1787. The letter of Finlay is on p. 299.

Establishment would have been made; however, he thought it prudent to wait the Arrival of Lord Dorchester, as he might have Instructions upon the Subject. Since that Event has taken Place M^r Finlay thinks it unnecessary to enter on any new Mode of forwarding the Canadian Mails to New York, and thus an End is put to the Business. I have the Honor to enclose your Excellency a Copy of M^r Finlay's Letter, and am, very respectfully,

Your Excellency's most obedient, etc.,

EBEN HAZARD ¹

His Excellency

The PRESIDENT OF CONGRESS.

¹ FEBRUARY 26, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, pp. 137-138, the following committees were appointed:

Mr. William Bingham, Mr. William Few and Mr. James Madison on a letter of the Secretary for Foreign Affairs, February 24, 1787, respecting Sir E. Newingham's application.

Mr. Egbert Benson, Mr. William Grayson and Mr. Rufus King on a petition of Samuel Franklin for sea letters. The petition, read February 26, is in the *Papers of the Continental Congress*, No. 41, III, p. 354. See March 1, 1787.

Also, according to the *Committee Book*, the following matters were referred:

Memorial of Cornelius Jones and his former memorial, regarding the payment of interest. Received February 26, 1787 and referred to Board of Treasury to report.

Resolution of the Virginia Legislature, October session, 1786, respecting James Hendricks. *Papers of the Continental Congress*, No. 71, II, p. 457. Referred to the Board of Treasury to report. Reported March 8 1787.

Memorial of Captain Thomas Machin respecting lost funds. Received February 26, 1787 and referred to the Board of Treasury to report. Report rendered March 26, 1787.

According to indorsement the following were read:

Letter of Samuel Huntington to President of Congress, February 15, 1787, respecting non compliance with the requisition of 1786. *Papers of the Continental Congress*, No. 66, II, pp. 348 and 350. The enclosed Act of the Connecticut Legislature is on p. 352.

Letter of Samuel Huntington to Charles Thomson, February 17, 1787, acknowledging receipt of letters. *Papers of the Continental Congress*, No. 66, II, p. 354.

Letter of Thomas Hutchins to President of Congress, February 22, 1787, announcing his arrival in New York with plan of country surveyed. *Papers of the Continental Congress*, No. 60, p. 293.

Petition of John Edgar, September 25, 1786, for lands at Kaskaskias. *Papers of the Continental Congress*, No. 42, II, pp. 430-431.

THURSDAY, MARCH 1, 1787.

Congress assembled. Present Massachusetts New York Pennsylvania, Delaware, Virginia North Carolina and Georgia and from the State of Rhode island M^r [James Mitchel] Varnum from Connecticut M^r S[tephen] M[ix] Mitchell and from New Jersey M^r [Lambert] Cadwallader.

M^r Dyre Kearny a delegate for Delaware attended and produced credentials by which it appears that on the 3^d of February he was elected a delegate in the room of Gunning Bedford the elder esq^r resigned, to represent the said State in Congress until the first Monday in Nov^r next.

[Credentials of Dyre Kearny, Delaware ¹]

The Delaware State, To all to whom these Presents shall come, send Greeting; Whereas our General Assembly, at their Sessions of Assembly, held at Dover on the twenty seventh Day of October, One Thousand Seven Hundred and Eighty Six, did, according to the Form prescribed by the Constitution, elect Gunning Bedford the elder, Esquire, one of the Delegates to represent this State in the Congress of The United States of America, from the first Monday in November One Thousand Seven Hundred and Eighty Six, to the first Monday in November One Thousand Seven Hundred and Eighty Seven; And whereas the said Gunning Bedford having declined to accept of the said Appointment, the General Assembly aforesaid, at their Sessions of Assembly, held at Dover, on the third Day of the present Month of February, did, according to the Form prescribed by the Constitution, elect The Honorable Dyer Kearney Esquire a Delegate to represent this State in the Congress of the said United States, in the Place and Stead of the said Gunning Bedford: Now know Ye, that We do by these Presents, and in pursuance of the said last recited Appointment, commissionate the said Dyer Kearney a Delegate to represent the said State in the Congress

¹ Original credentials, endorsed as read March 1, 1787. *Papers of the Continental Congress*, Delaware Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, pp. 206-207.

of The United States aforesaid, until the first Monday in November next, in the Place and Stead of the said Gunning
 ho: Collins Bedford, hereby vesting the said Dyer Kearney with all and singular the Privileges, Powers, and Authorities to the said Office or Place of Delegate belonging by Virtue of the said Constitution and the Appointment aforesaid: To have and to hold to the said Dyer Kearney the said Office or Place of Delegate as aforesaid during the Term aforesaid, unless he shall in the mean Time be superseded by our General Assembly agreeably to the Constitution aforesaid. In Testimony whereof We have caused our Great Seal to be hereunto affixed. Witness His Excellency Thomas Collins, Esquire, our President, Captain General and Commander in Chief, at Dover, the Fifteenth Day of February in the Year of our Lord One Thousand Seven Hundred and Eighty Seven, and in the Eleventh Year of our Independency.

Attest. JA BOOTH Sec^y

~~On the report of a~~ The com^{ce}¹ consisting of M^r [Egbert] Benson M^r [William] Grayson and M^r [Rufus] King to whom was referred a petition of Sam^l Franklin and C^s and John Blagge praying for a Sea letter having procured and produced to Congress a deposition² whereby it appears "that the Brig Mary, Arthur Helme Master for which Sea letters are requested is the property of American Citizens and that she is commanded and officered by Natives of America and that it is intended she shall be manned with citizens of the same"

Resolved That a Sea letter be granted in the usual form agreeably to the prayer of the said petition.

¹ This committee was appointed February 26, 1787. Its report, in the writing of Mr. Egbert Benson, is in *Papers of the Continental Congress*, No. 19, II, p. 337.

² Affidavit of John Blagge, March 1, 1787. *Papers of the Continental Congress* No. 41, III, p. 358.

[Motion of Mr. Varnum respecting issue of indents ¹]

In Congress February 28, 1787.

Resolved that the loan officer of the State of Rhode Island &^e compleat the issuing of the Indents ~~quoted to~~ [in] that State ~~by~~ [in pursuance of] the Resolution of Sep^r 27, 1785, the Resolution of the 30 Oct^r 1786 notwithstanding.

[Letter of Secretary for Foreign Affairs transmitting complaint of Mr. Van Berckel.²]

OFFICE FOR FOREIGN AFFAIRS 26 Feb. 1787.

SIR: I have the honor of transmitting to your Excellency herewith enclosed a Letter, and a Note ³ (with Translations of them) which I rec^d from M^r Van Berckel the 20th Instant and am with great Respect and Esteem, etc.

JOHN JAY ⁴

¹ *Papers of the Continental Congress*, No. 36, III, p. 333, in the writing of Mr. James Mitchel Varnum. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 138, it was referred to the Board of Treasury to report. Acted on March 8, 1787.

² *Papers of the Continental Congress*, No. 80, III, p. 201, read March 1, 1787.

³ *Papers of the Continental Congress*, No. 99, pp. 273 and 277-280, respectively, with translation on pp. 281-284. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 138, these communications were referred to the Secretary for Foreign Affairs to report. Report rendered March 15, 1787. See August 2, and October 13, 1787.

⁴ MARCH 1, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 138, the following committee was appointed:

Mr. William Blount, Mr. James Mitchel Varnum, and Mr. William Grayson on a resolution of the State of Virginia for a convention with Maryland and Pennsylvania. See February 26, 1787. Report rendered March 13, 1787.

Also according to the *Committee Book*, the following matters were referred:

A memorial of Francis Mentges, February 23, 1787, read March 1, praying for pay for extra services. *Papers of the Continental Congress*, No. 41, VI, pp. 477-478. Referred to Board of Treasury to report. Report rendered April 18, 1787, and acted on August 20, 1788.

Petition of William W. Morris, surveyor in Western territory, February 27, 1787, read March 1, for the settlement of his accounts. *Papers of the Continental Congress*, No. 42, V, p. 391. Referred to Board of Treasury to report. Acted on October 3, 1787.

Petition of John Thomson, February 28, 1787, read March 1, respecting the settlement of his accounts. *Papers of the Continental Congress*, No. 42 VII, pp. 483-484. Referred to the Commissioner of Army Accounts to report. Reported March 8, 1787.

MONDAY, MARCH 5, 1787.

Six states attended namely Massachusetts New Jersey Pennsylvania Virginia North Carolina and Georgia and from Rhode island M^r [James Mitchel] Varnum from Connecticut M^r S[tephen] M[ix] Mitchel from New York M^r [John] Haring from Delaware M^r [Dyre] Kearny and from Maryland M^r [Uriah] Forrest.

TUESDAY, MARCH 6, 1787.

Six states attended as yesterday.

WEDNESDAY, MARCH 7, 1787.

M^r Abraham Yates a delegate from New York attended.¹ Six states attended namely Massachusetts New York New Jersey Pennsylvania Delaware and Virginia and from Connecticut M^r [Stephen Mix] Mitchell from Maryland M^r [Uriah] Forrest from North Carolina M^r [William] Blount and from Georgia M^r [William] Pierce.

THURSDAY, MARCH 8, 1787.

Congress assembled. Present Massachusetts New York New Jersey, Pennsylvania, Delaware, Virginia, North Carolina and Georgia and from Rhode island M^r [James Mitchel] Varnum from Connecticut M^r S[tephen] M[ix] Mitchell and from Maryland M^r [Uriah] Forrest.

Letter of H. W. Archer to Arthur St. Clair, February 24, 1787, read March 1, with reference to the settlement of his accounts and commutation for half pay. *Papers of the Continental Congress*, No. 78, I, pp. 497-498. Referred to the Commissioner of Army Accounts to report. Reported March 8, 1787.

According to indorsement there was read:

Petition of John Snowden, February 26, 1787, for depreciation of pay. *Papers of the Continental Congress*, No. 42, VII, pp. 271-272. See March 8 and also February 12, 1787.

According to the *Despatch Book*, *Papers of the Continental Congress*, No. 185, IV, p. 5, was received a petition of Pierre Charlong, for allowance for services. See March 8, 1787.

¹ See January 30, 1787, for credentials of Mr. Yates.

On a report ¹ of the board of treasury to whom was referred a motion of M^r [James Mitchel] Varnum ²

Resolved That when the state of Rhode island shall have compleated the payment of her specie quota of the requisition of the 27 Sept^r 1785,³ the loan Officer of the said state shall be authorised to continue the issue of indents agreeably to the terms of the said requisition.

[Motion of Mr. Grayson on stores at Springfield ⁴]

Resolved that y^e Sec^y at war be directed to take effectual measures for removing with^t delay the Arms Artillery, and Military Stores from Springfield in y^e State of Massachusetts to _____ in the State of _____ and that y^e board of treasury take order for defraying the necessary expence attend^s the same.

[Report of the Secretary of Congress on sundry petitions ⁵]

March 7 1787

OFFICE OF SEC^y OF CONGRESS.

On the petition of *John Snowden* ⁶ stating his services and praying for a resettlement of his accounts

The Sec^y reports that a similar petition was presented to Congress on the 3 of November last and referred to the Commissioner for settling the quarter Masters Accounts to report. That the s^d Com^r has reported that M^r Snowden served in several capacities and had his pay aug-

¹ *Papers of the Continental Congress*, No. 139, p. 461. The report, signed by Samuel Osgood, Walter Livingston and Arthur Lee, March 5, 1787, read March 8, is identical with the resolve as passed. A copy of an Act of Rhode Island, for payment of certificates with paper bills, is on p. 465. The covering letter of the Board, read March 8, is in *Papers of the Continental Congress*, No. 140, I, p. 323.

² See March 1, 1787.

³ *Journals*, vol. XXIX, pp. 765-771.

⁴ *Papers of the Continental Congress*, No. 151, p. 242, in the writing of Mr. William Grayson. Referred to Secretary at War to report. Report rendered March 13, 1787. Cf. *Committee Book, Papers of the Continental Congress*, No. 190, p. 139.

⁵ *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, p. 47, agreed to on March 8, 1787. See also *Committee Book, Papers of the Continental Congress*, No. 190, p. 139.

⁶ See March 1, 1787, and *Journals*, vol. XXXI, p. 928.

mented from time to time, that though the encrease of pay might not have kept pace with the depreciation of continental currency, yet his case is not singular, and that no allowance ought to be made him unless it is made general and depreciation allowed on the pay of all who have served in the quarter Master's department.

Agreed to
March 8.

On this state of facts the Sec^y farther reports That M^r Snowden be informed that the prayer of his petition cannot be granted.

On the petition of *Pierre Charlong*¹ a canadian stating his joining col Ethan Allen, his being taken prisoner and suffering confinement for two years until he made his escape his afterwards joining col Hazen's regiment as a volunteer in 1778, that he has never received any pay or compensation for the time he was in Captivity or as a volunteer; and praying for such relief as is consistent with justice.

Agreed to
March 8

The Sec^y reports that The petition of Pierre Charlong be referred to the Com^r of Army Accounts to report.

[Report of Board of Treasury on Virginia resolutions²]

The Board of Treasury to whom was referred a Concurrent Resolution of the Senate and House of Delegates of the State of Virginia of the 9th December 1786,

Beg leave to Report

That it would be improper for the United States in Congress to assume any Claim which may be brought against the Army or Navy of his most Christian Majesty, whilst acting within these States during the late War unless specially requested so to do by the Government of France; since the authenticity of such Claims could not be sufficiently ascertained, neither could any application be with propriety made to the French Court for the reimbursement of the amount if so assumed by the United States.

The Board beg leave further to observe, that it is well known that the said Army had special Agents Citizens of these States employed by them to purchase whatever was necessary for the Movement and Subsistence of their troops, one of which Gentlemen³ is at present a

¹ According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 139, the petition was referred as recommended. Report rendered March 12, 1787. See March 1, 1787.

² *Papers of the Continental Congress*, No. 139, pp. 457-458, read March 8, 1787. See February 26. The covering letter of the Board for this and the following report, read March 8, is in *Papers of the Continental Congress*, No. 140, I, p. 319.

³ Probably John Holker.

Resident in this Country; and that they wanted neither Money or Credit to procure whatever was necessary for the above Objects.

All which is humbly submitted.

March 1st 1787.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

[Report of Board of Treasury on memorial of M. Willett¹]

The Board of Treasury to whom was referred the Memorial of Colonel Marinus Willet together with a Report of the Commissioner of Army Accounts, and a Committee of Congress on the said Memorial,

Beg leave to Report,

That in addition to the facts stated in the Report of the Commissioner of Army Accounts, relative to the Regiment lately commanded by Colonel Willett, that Officer has laid before the Board sundry Letters received by him from the late Commander in Chief, betwixt the 4th August and 16th of October 1783; Copies of which accompany this Report.

From these Letters it appears, that after the general line of the Continental Army was disbanded, the Regiment abovementioned was by the directions of the Commander in Chief detained in Service for the purpose of clearing the Roads and the communication betwixt Fort Schuyler and Oswego, with a view of occupying the British posts, which were then expected to be evacuated.

From this circumstance, and those stated in the Reports of the Commissioner of Army Accounts, and Committee of Congress, the Board submit to the consideration of Congress, the following Resolve, viz.

That the Commissioner of Army Accounts Settle with such of the Officers and Men of the Regiment lately commanded by Colonel Marinus Willet, as were in the actual Service of the United States during the Year 1783, for all Arrears of Pay, and Subsistence, respectively due to them.

All which is humbly Submitted.

March 1st, 1787.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

¹ *Papers of the Continental Congress*, No. 138, II, pp. 539-540, read March 8 and passed March 21, 1787. See February 20 and March 21, 1787. Copies of three letters to Willet are on pp. 543-550.

[Letter of Board of Treasury transmitting accounts ¹]

BOARD OF TREASURY

March 6th 1786

SIR: We do ourselves the honor of laying before Congress the Quarterly Accounts of the Receipts and Expenditures of the Treasury of the United States commencing the 1st of October, and ending 31st December 1786; together with Abstracts of the State of the Treasury, for the Months of January and February 1787 and are with the greatest Respect

Your Excellency, most Obedient, etc.,

SAMUEL OSGOOD

WALTER LIVINGSTON

ARTHUR LEE

His Excell^y

THE PRESIDENT OF CONGRESS

[Report of Secretary for Foreign Affairs respecting a consulate at Lisbon ²]

OFFICE FOR FOREIGN AFFAIRS

1st March 1787

The Secretary of the United States for the Department of foreign Affairs, to whom was referred a Letter to him of the 20th February 1787 from John Marsden Pintard the Agent of the United States at

¹ *Papers of the Continental Congress*, No. 140, II, p. 395, read March 8, 1787. The enclosed accounts, signed by Joseph Nourse, Register, are in *Papers of the Continental Congress*, No. 141, II, as follows: General Account of Taxes, no. 10, pp. 113–115; General Account of Receipts and Expenditures of the United States, no. 10, pp. 137–138, supported by no. 1, Expenditures of the Civil List, pp. 119–123; no. 2, Expenditures of the Pay Master General's Department, p. 125; no. 3, Expenditures for Subsistence of the Army, p. 127; no. 4, Expenditures of the Quarter Master General's Department, p. 129; no. 5, Expenditures for Indian Affairs, p. 131; no. 6, Expenditures of the Military and Ordnance Stores Department, p. 133; no. 7, Expenditures for Pensions, Annuities and Grants, p. 135; no. 8, Expenditures for Contingencies, p. 109; and no. 9, Expenditures for the payment of Old Accounts, p. 111. The abstracts of the Treasury of the United States for January and February 1787 are on pp. 141–142 and 145–146, respectively.

² *Papers of the Continental Congress*, No. 81, III, pp. 185–188, read March 8, 1787. Part agreed to March 13. See February 26, 1787.

Madeira, suggesting Reasons for extending his Agency to the Port of Lisbon,

Reports

That in his Opinion it would always be expedient to have an Agent or Vice Consul stationed at Madeira, and of this the Advantages experienced by several of our Citizens from M^r Pintard's Agency there afford Evidence.

That at present it would not be easy to supply his Place there, especially as no Salary is annexed to the Appointment, and as his is the only american House in that Island; wherefore in case of his removing to Lisbon your Secretary thinks it may be well to make no Alterations in that Appointment *at present*, but leave him to manage the Business of it by his Partners.

Your Secretary would prefer having a Resident or Minister with consular Powers at Lisbon, but as the Finances of the United States oppose it, he thinks it would be useful to have a Consul or an Agent there. The Treaty with Portugal not being finally concluded, an Agent would in his Opinion be sufficient and perhaps more proper at the present Moment.

The Sentiments he entertains of M^r Pintard lead him to think that such a Mark of the public Confidence would be well bestowed; and that our Ministers for negociating that Treaty as well as your Secretary might derive Advantages from his Correspondence and Activity. Besides the United States have considerable Commerce with Lisbon, and it is natural to suppose that an Agent for those Purposes would be convenient.

Your Secretary is apprized of the following Act of Congress ¹ Viz^t "June 21st 1780"

"The Committee of foreign Affairs, to whom was referred a Letter of 23^d May from M^r P. Henry late Governor of Virginia,

Report, That from the said Letter and other Papers laid before them, as well as from the Information of M^r G. Anderson, they find that M^r Arnold Henry Dohrman, Merchant of Lisbon, hath from the Commencement of the present War manifested a warm and steady Attachment to the Cause and Interests of the United States; that he hath expended large Sums of Money in carrying into Practice, Schemes projected by him for assisting them with Cloathing and warlike Stores,

¹ *Journals*, vol. XVII, p. 541.

as well as in supplying great Numbers of American Prisoners, carried into the Ports of the Kingdom of Portugal, with Money and all other Necessaries for their comfortable Subsistence while there, and for their Return to their own Country by such Routes as they preferred: that from the great Wealth and Influence and the favorable Dispositions of the said Arnold Henry Dohrman many Benefits might be derived to these States, by enabling him to be more publicly and extensively useful under the Sanction of Authority from Congress: That the Committee are assured the said M^r Dohrman wishes for no Salary or Emolument for his Services, but simply a Repayment of his Advances when it shall be most convenient. Whereupon,

Resolved, That Arnold Henry Dohrman of the City of Lisbon Merchant, be appointed Agent for the United States in the Kingdom of Portugal, for the Transaction of such Affairs of the said States as may be committed to his Direction."

But as M^r Dohrman is not a Citizen of the United States, and is at present in America (as your Secretary is informed), and particularly as his Agency is limited to the Transaction of *such Affairs* of the United States *as may be committed to his Direction*, your Secretary thinks M^r Pintard might nevertheless be appointed commercial Agent at that Port with propriety.

Your Secretary has Reason to think M^r Dohrman deserves well of the United States, and that he merits the Attention of Congress, but in a Way consistent with their Act¹ of 16th March 1784, which confines certain Appointments to Citizens.

Wherefore your Secretary submits the following Resolution to the Consideration of Congress, *Viz*:

Resolved, That a commercial Agent to reside at the Port of Lisbon be appointed.

Your Secretary also thinks in Case the Choice should fall on M^r Pintard, that then it should also be resolved that his Agency at Madeira should not be construed to have thereupon become vacant, but should remain in force until the further Order of Congress.

All which is submitted to the Wisdom of Congress.

JOHN JAY

¹ *Journals*, vol. XXVI, p. 144.

[Letter of Secretary for Foreign Affairs respecting commerce of the United States and France¹]

NEW YORK 5th March 1787

SIR: I have the Honor of transmitting to your Excellency herewith enclosed, a Letter from M^r Jefferson of 23^d October last together with the Papers mentioned to be enclosed in it and Translations of them; and am with great Respect and Esteem ect.

JOHN JAY

His Excellency

THE PRESIDENT OF CONGRESS.

[Report of Commissioner of Army Accounts on petition of H. W. Archer²]

The Commissioner for settling the army accounts, begs leave to report on the petition of Captain H. W. Archer, referred to him,

That Captain Archer on the 26th of July 1779, had the brevet of a Captain given to him, to which was added by the Resolution³ of September 24th following, the pay and Subsistence of a Captain.

That your Commissioner conceives a brevet Commission to be honorary only, and not attended with any emoluments whatever; agreeably to the resolutions⁴ of April 30th 1778, April 1, 1779 and September 10th, 1783.

That the after grant of pay and Subsistence to Captain Archer cannot be construed as altering his appointment, but only as annexing certain express allowances to it. for if the intention of Congress had been to have extended his appointment from a brevet to the line of the army, or that other emoluments should be given to him, the expressions of their resolutions, would undoubtedly have been to that purport.

That a resolution⁵ of January 26, 1784, has directed that the claim of Commutation cannot be admitted by implication only.

¹ *Papers of the Continental Congress*, No. 80, III, p. 209, read March 8, 1787. Jefferson's letter and its enclosures, read March 8, are in *Papers of the Continental Congress*, No. 87, I, pp. 694-696 and 698-760. See March 13, 1787.

² *Papers of the Continental Congress*, No. 62, p. 197, delivered March 5, read March 8, 1787. See March 1, 1787.

³ *Journals*, vol. XV, p. 1102.

⁴ *Journals*, vol. X, p. 410; vol. XIII, p. 407; and vol. XXV, p. 541, respectively.

⁵ *Journals*, vol. XXVI, p. 49.

Your Commissioner therefore presumes that Captain Archer cannot be considered as entitled to the Commutation in consequence of his appointment of July 26, 1779, without a new and express Resolution for that purpose.

All which is humbly Submitted

JN^o PIERCE *Commiss^r*

OFFICE OF ARMY ACCOUNTS
New York March 2^d 1787.

[Report of Commissioner of Army Accounts on memorial of John Thomson ¹]

The Commissioner for settling the accounts of the Army to whom was referred the memorial of Captain John Thomson begs leave to report.

That there appears to be a ballance of Eleven hundred Ninty Nine 6/90 dollars due to Cap. Thomson on the settlement of his recruiting account, Opposed to which ballance, Colonel Edward Antill has charged to him the sum of One thousand and seventy dollars, for which the Colonel has produced an entry in his account book and attested that the same has been paid by him to Cap. Thomson.

That Captain Thomson, has also attested that he never did receive the s^d sum of One thousand and seventy Dollars or any part of it for his own use or that of the United States.

That Colonel Antill has been called on by your Commissioner to support his charge of this sum, which he says he can do, and that the same was paid by him out of the monies committed into his hands by the united States.

That Cap. Thomson has repeatedly applied for his Settlement but at the time of his application Colonel Antill was absent, which has prevented an hearing between the parties.

That Captain Thomsons character being unknown to your Commissioner or the means by which he could make so considerable an advance for the public, and Colonel Antill being now at Saratoga in this State, has induced your Commissioner again to suspend granting a certificate for the whole ballance claimed by the petitioner, until the parties can be brought together and heard, on the Subject of their Controversy,

¹ *Papers of the Continental Congress*, No. 62, p. 201, delivered March 5, read March 8, 1787. See March 1, 1787.

or until a reasonable time may have elapsed after a notification for them to make their appearance.

All which is humbly Submitted.

JN^o PIERCE¹

OFFICE OF ARMY ACCO^{ts}

March 4 1787.

FRIDAY, MARCH 9, 1787.

Congress assembled. Present Massachusetts New York New Jersey, Pennsylvania, Delaware, North Carolina, and Georgia and from Rhode island M^r [James Mitchel] Varnum from Connecticut M^r S[tephen] M[ix] Mitchell.

The Delegates of Massachusetts having made representation² to Congress in the following words

“The delegates of Massachusetts in Obedience to the Instructions of the legislature of that Commonwealth and to the end that their constituents may claim and possess all the benefits and advantages to which by the articles of Con-

¹ MARCH 8, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, pp. 138-139, the following matters were referred:

A motion of Mr. William Irvine for posting a company at Venango and countermanding the order for dismantling Fort McIntosh. Referred to the Secretary at War to report. Reported March 9, 1787.

A petition of Edward Dowse, a surveyor in Western territory, March 1, read March 8, 1787, praying his account be passed, *Papers of the Continental Congress*, No. 42, II, pp. 354-355. Referred to the Board of Treasury to report. See October 3, 1787.

Memorial of John Johnson. Referred to Commissioner of Army Accounts to report.

Also, the committee of February 12 on a report respecting infractions of the treaty with England was discharged. (*Committee Book*, p. 136).

According to indorsement the following was read:

Petition of Moses Hazen, March 6, 1787, with reference to citizenship of Canadian refugees. *Papers of the Continental Congress*, No. 42, III, p. 516. See March 13, 1787.

According to *Committee Reports, Papers of the Continental Congress*, No. 189, p. 22, was received:

A report of the Board of Treasury on the petition of James Hendricks. See February 26, 1787.

Letter of the Commissioner of army accounts, J. Pierce, February 27, 1787, asking an allowance of 500 dollars. See March 13, 1787.

² *Papers of the Continental Congress*, No. 74, p. 400, in the writing of Mr. Nathan Dane.

federation and perpetual Union they are or may be entitled, represent to the United States in Congress assembled the information contained in the three subjoined papers N 1 being the speech of the Governor of the Commonwealth of Massachusetts to the general court thereof. N 2 The reply of the general court to the speech of the Governor And N 3 the declaration of a rebellion within that commonwealth. And the said delegates in conformity with the instructions of their constituents farther represent to the United States in Congress assembled that the legislature of Massachusetts are firmly persuaded that by far the greater part of the citizens of that commonwealth are well affected to the government thereof and that there is the highest probability by the blessing of Almighty God that the present rebellion will be speedily suppressed. The said legislature confiding that had it been necessary the firmest support and most effectual aid would have been afforded by the United States to that Commonwealth for putting an end to the insurrections and rebellion which have happened within the same, such support and aid being expressly and solemnly stipulated by the Articles of Confederation and perpetual Union.

¹ N^o 1. The speech of His Excellency James Bowdoin Esq^r ² Governor of the Commonwealth of Massachusetts to the Legislature. Gentlemen of the Senate, and Gentlemen of the House of representatives. It was expected by the General Court, that their proceedings at their last session, respecting the Insurgents, would have answered the purposes for which they were intended. By those proceedings there were held forth to them punishment on the one hand, and pardon on the other, punishment in ~~the~~ case of perserverance in their criminal conduct: pardon and indemnity if they desisted from it, and by a given time should take the oaths of

¹ At this point Roger Alden begins the entry.

² *Papers of the Continental Congress*, No. 74, p. 382-389; copy.

allegiance. This application to their feelings, and to that actuating principle, a desire of personal safety, it was apprehended, would have had forcible influence to bring them to their duty. But unhappily it did not produce any good effect except upon a very few Individuals of them. On the contrary, the lenity and forbearance of Government were treated with contempt, and imputed by them to an inability of defending itself: And some of your last Acts have been added to their list of grievances. But the clearest and most unequivocal evidence of their perseverance and opposition to Government is deduced from their proceedings respecting the Judicial Courts in several of the counties since the last session of the General Court. They twice with an armed force stopped those courts in Worcester, and would not suffer them to open in Hampshire. They attempted it tho unsuccessfully in Middlesex, and in consequence of that attempt several of them were taken into custody by virtue of State Warrants; in the execution of which, the Sheriff and other persons to whom the warrants were directed had the aid and support of a number of spirited Gentlemen of that County and Suffolk. At the last time of their Assembling in Worcester there were near a thousand of them in Arms, who to the great annoyance and terror of that vicinity, continued embodied for several days after the court had adjourned, meditating as it was apprehended further outrages; which were providentially prevented by the continued storms of that week. These violent and treasonable proceedings of the Insurgents were perpetrated after the publication of the last Acts of the General court respecting them, and demonstrated not only a total disregard of those Acts, and the Authority by which they were enacted but a contempt of all constitutional Government, and a fixed determination to persevere in measures for subverting it. This determination and these measures were also manifested by their printed

declarations, and some of the private transactions of their leaders, when the main body of the Insurgents were last Assembled at Worcester, by which it appeared the Insurgents were formed into Regiments and that a Committee were appointed for each Regiment, to see that it should, without delay be properly officered and equipped, and completely ready whenever called upon. That this was the state of things in the Western counties was further confirmed by letters I received from some of the most respectable characters in those counties, and by the oral testimony of many intelligent persons from thence, who all agreed in the necessity of speedy and vigorous measures being taken for the effectual suppression of the Insurgents, without which, the well affected might from a principle of self preservation, be obliged to join them, and the insurrection become general. The safety and well being of the commonwealth being thus in hazard, and the lenient conciliating measures of the General Court having been rejected by the Insurgents, I conceived myself under every obligation of honor and duty to exert the powers vested in me by Law and the Constitution for the protection and defence of the commonwealth against the hostile and nefarious attempts of those lawless men. Pursuant to this Idea, I laid before the Council all the information and intelligence I had collected relative to the proceedings and designs of those Men; and the Council were unanimously of opinion, and accordingly advised that vigorous and effectual measures should be taken to protect the Judicial Courts, particularly those that were then next to be holden at Worcester, to aid the civil Magistrate in executing the laws, to repel all Insurgents against the Government, and to apprehend all disturbers of the public peace, particularly such of them as might be named in any State Warrant or Warrants. For these purposes upon the effecting of which all good Government and indeed the happy

existence of the commonwealth, do essentially depend, I have called forth from several counties, a respectable body of the Militia, the command of which I have given to Major General Lincoln, with orders to carry those purposes into effectual execution. Those orders are now in operation, and will be laid before You, with the general orders containing the plan of measures by which the commonwealth was to be defended against it[s] present Assailants. I congratulate You Gentlemen on the success of those measures hitherto, and hope it is a prelude to final success and to the reestablishment of perfect tranquility. The dispatches concerning it, which I have received from General Lincoln and General Shephard will be laid before You. Thus Gentlemen, from a principle of duty to the Commonwealth and in conformity to Your resolution of the 24th of October, in which You express a full confidence "that I will persevere in the exercise of such powers as are vested in me by the constitution for preventing any attempts to interrupt the administration of Law and Justice, and for enforcing due obedience to the Authority and Laws of Government," I have taken the measures above represented. I trust that they will meet with Your entire approbation, and with that support which is naturally to be expected from the Guardians of the public safety. On my part I have done in this business what the duty of my Office and the Oath of Qualification indispensibly requires, and I have the fullest confidence that on your part nothing will be wanting to carry into complete effect the measures that have been taken or that may be further necessary to suppress the present insurrection, and to insure a strict obedience to the laws. This is so essential to the peace and safety of the Commonwealth, that it requires your immediate attention, and the speedy application of further means, if those already taken should be deemed insufficient for that purpose. Among those means You may deem it necessary

to establish some criterion for discriminating between good citizens and Insurgents, that each might be regarded according to their Character, the former as their country's friends and to be protected, and the latter as public enemies, and to be effectually suppressed. At such a time as the present every man ought to shew his colours, and take his side, no neutral Characters should be allowed, nor any suffered to vibrate between the two. Vigor decision and energy will soon terminate this unnatural, this unprovoked insurrection, and prevent the effusion of blood; but the contrary may involve the commonwealth in a civil War, and all its dreadful consequences, which may extend not only to the neighbouring States, but even to the whole confederacy, and finally destroy the fair temple of American liberty; in the erecting of which, besides the vast expense of it, many thousands of valuable citizens have been sacrificed.

There are several things resulting from the measures in operation which require your immediate attention. The money immediately wanted for carrying them into execution was supplied by a voluntary loan from a number of Gentlemen, and in a manner which does them honor. I must earnestly recommend to You to provide for its reimbursement, which upon the principles of policy as well as Justice should be made as speedily as possible. Provision also should be made for defraying the general expence. Should the time be too short to effect the great purposes, for which the militia were called forth, it may be necessary that General Lincoln should be empowered to continue them in service, by inlistment until those purposes should be accomplished. The men being already embodied, and the arrangements for supporting them perfected, the expence of such a continuance will be much less than ¹ that of raising a new body for the same service. There are defects in our militia Act which require

¹ The copy presented to Congress reads "than".

an immediate remedy, and which I shall mention to You in a separate message. These Gentlemen are matters of importance, but the general subject of this address is of the first magnitude and demands Your immediate and most serious attention. If it be taken up with proper spirit, if the measures in operation be seconded with firmness and decision, and if the powers of the several branches of Government be united in a wise and vigorous exertion, we may reasonably expect a speedy and happy issue to the present insurrection, to which happy issue every exertion on my part has been and shall be applied, but on the contrary, if indecision, languor, or disunion should on this occasion pervade our public counsels, insurrection, though checked for the present, would gain new strength and like a torrent might sweep away every mound of the Constitution, and overwhelm the Commonwealth in every species of calamity. In such case, if brought on by remissness, or relaxation on our part, we should be not only involved, most essentially involved, in that calamity, but justly chargeable with betraying the trust reposed in us by our fellow citizens, and chargeable with ignominiously deserting the posts assigned us, as guardians of the peace, the safety and happiness of the Commonwealth. But very happily, this is only a possible case, for your patriotism, your Virtue, Your regard for your own liberties and property and for those of your families and posterity, must induce You to call forth every power of government into vigorous exertion for preventing such a complication, such an accumulation of evils. On this occasion it is proper Gentlemen to inform You, that I have received from several towns, Petitions, directed to the Governour and Council, and also to the General Court, relative to the Insurgents. The petitions being eight in number, do disapprove of the proceedings of Government, in regard to those people. But as the things prayed for, were, for the most part not cog-

nisable by the Governour and Council, and such as were so, could not be granted by them, consistently with the duty they owe to the Commonwealth, the petitions will be laid before You, for your consideration. There are other matters, to which your attention, Gentlemen, is necessary and they will be communicated by message.

(signed) JAMES BOWDOIN

Council Chamber Feb^r 3^d 1787.

N^o 2 ¹ To His Excellency James Bowdoin Esq^r Governour of the Commonwealth of Massachusetts.

May it please Your Excellency. The Senate and House of representatives in General Court Assembled have read and duly attended to Your Speech at the opening of this Session, and take this earliest opportunity to express their entire satisfaction in the measures You have been pleased to take, pursuant to the powers vested in You by the constitution for the subduing a turbulent spirit, which has too long insulted the Government of this commonwealth, prostrated the courts of law and Justice in divers counties, and threatened even the overthrow of the constitution itself. The General Court congratulate Your Excellency on the success with which Providence has been pleased to bless the wise, spirited and prudent measures which You have taken; and they earnestly entreat Your Excellency still to encounter, repel and resist by all fitting ways, enterprises and means, all and every such person and persons as attempt or enterprize in a hostile manner, the destruction, detriment or annoyance of this Commonwealth, and to pursue such further constitutional measures as You may think necessary for extirpating the spirit of rebellion, quieting the minds of the good people of the commonwealth, and establishing the just authority and dignity of Government. And in order that Your Excellency may be possessed of the full

¹ *Papers of the Continental Congress*, No. 74, pp. 392-393; attested copy.

power of the Constitution to effect these great purposes, the General Court have thought it highly necessary after mature deliberation to declare that a rebellion exists within this commonwealth. This Court are fully persuaded that by far the greater part of the citizens of this commonwealth are warmly attached to our present happy constitution; they have a high sense of the merit of a respectable body of the Militia who have with readiness attended Your Excellency's orders on this pressing emergency; as well as of the patriotic zeal of a number of private citizens who have cheerfully advanced their money in aid to Government; and You may be assured Sir, that the most speedy and effectual means will be used for the payment of the Officers and Soldiers who have been or may be employed in this necessary and most important service; and for the reimbursement of the monies generously advanced for it support. It is to be expected that vigor, decision and energy under the direction and blessing of Heaven will soon terminate this unnatural, unprovoked rebellion, prevent the effusion of blood, and the fatal consequences to be dreaded from a civil war, and it is the determination of this Court to establish a criterion for discriminating between good citizens and others that each may be regarded according to their character and defects. If it should appear to Your Excellency that the time for which the militia under the command of Major General Lincoln are enlisted is too short to effect the great objects in view, it is the request of this Court that You would be pleased to direct the commanding General to reenlist the same men, or enlist others for such further time as You may think necessary, or to replace them by detachments from the Militia, and if You shall think it expedient encrease their numbers, and continue them in service until those purposes shall be completely accomplished. The General Court will give the most ready attention to Your message of the third

Instant, and every other communication You shall be pleased to lay before them. They will vigorously persue every measure that may be calculated to support the constitution, and will still continue to redress any real grievances, if such shall be found to exist, humbly beseeching Almighty God to preserve union and harmony among the several powers of Government, as well as among the honest and virtuous Citizens of the Commonwealth and to restore to us the inestimable blessings of peace and liberty under a wise and righteous administration of Government. In Senate Feb^y 4th 1787, read and unanimously accepted, and ordered that Samuel Adams, Caleb Strong, and Seth Washburne Esq^{rs}, with such as the honorable house may join, be a committee to wait upon his Excellency the Governor with the foregoing Address. sent down for concurrence.

SAM^l PHILLIPS JUN^r *President*

In the house of representatives Feb^y 4th 1787, read and concurred, and M^r Shephard, M^r Brooks, M^r Beckford and M^r Davis are joined.

ARTEMUS WARD. *Speaker*

A true copy. Attest.

(signed) JOHN AVERY JUN^r *Secretary*

N^o 3.¹ Commonwealth of Massachusetts.

Whereas the doings of the General Court at their last Session, relative to the Insurgents against the Government and Authority of the State in several counties within this commonwealth were lenient and merciful, were intended to quiet the minds of the disaffected, and ought to have had the effect they were designed to produce. And whereas every complaint of grievance was carefully attended to, with a disposition to grant all relief which could be afforded, consistent with equal Justice and the dignity of Government, and the General Court so far as they were able adopted

¹ *Papers of the Continental Congress*, No. 74, pp. 396-398; attested copy.

measures accordingly, and gave full and clear information to the Insurgents as well as others, of the general situation of public Affairs.

And Whereas a full and free pardon, for all the outrageous proceedings against the Government, whereof the Insurgents had been guilty, was tendered them upon this mild condition alone, that they should be guilty of such outrages no more, and as evidence of their intentions to demean themselves in future, as good and faithful citizens should before the first day of January A.D 1787 take and subscribe the oath of Allegiance; it manifestly appears from the subsequent conduct of the leaders of the Insurgents, that their opposition to Government, has not arisen from a misapprehension as to the views and disposition of Government, or from a temporary irritation, arising from the pressure of supposed grievances, or from a misguided zeal to promote the public happiness, as has been insidiously asserted, but from a settled determination to subvert the constitution, and put an end to the Government of this commonwealth. It is also abundantly manifest that the conduct of the Insurgents in stopping the Courts of Justice in the Counties of Worcester and Hampshire, in assembling in arms avowedly to commit the same outrages in the County of Middlesex, in calling upon the towns in some Counties to furnish themselves with Arms and Ammunition, in appointing committees to form their adherents into regular military companies properly officered thereby to establish within this Commonwealth a standing force, beyond the controul of and for the express purpose of opposing in Arms, the constitutional Government of the State, in endeavouring to encrease the commotions in the Counties aforesaid, by publickly inviting and alluring others to throw off their allegiance and join their body, is subversive of all order and Government, absolutely incompatible with the public safety and happiness, and is an open,

unnatural, unprovoked and wicked rebellion, against the dignity, authority, and Government of this Commonwealth. And the Legislature in duty to their constituents in conformity to their oaths, and virtue of the Authority vested in them by the Constitution (having ineffectually tried every lenient measure to reclaim them) do hereby solemnly declare, that a horrid and unnatural rebellion and War, has been openly and traiterously raised and levied against this Commonwealth, and is still continued, and now exists within the same, with design to subvert and overthrow the constitution and form of Government thereof, which has been most solemnly agreed to, and established by the citizens of this commonwealth, and that Government ought and will, with the greatest energy and force, exert and bring forth all the power of the commonwealth for the suppression thereof; and all the horrors and evils that may follow in consequence of this rebellion, must be imputed to those men, who have contrary to the duty of their Allegiance and every principle of law and Justice, been the fomenters, abettors and supporters of the same. In Senate Feb^y 4th 1787. Read and unanimously accepted. sent down for concurrence.

SAMUEL PHILLIPS JUN^r *President*

In the house of representatives Feb^y 4th. 1787. Read and concurred.

ARTEMUS WARD *Speaker*

true copy. Attest.

(signed) JOHN AVERY JUN^r *Secretary*.

¹ A motion was made by M^r [James Mitchel] Varnum seconded by M^r [William] Few that the foregoing papers be referred to a committee and on the question for commitment the yeas and nays being required by M^r [Rufus] King

¹ Charles Thomson resumes the entry.

M ^r King and M ^r Dane	ay	ay
M ^r Varnum	ay	*
M ^r S M Mitchell	ay	*
M ^r Haring and M ^r Yates	ay	ay
M ^r Cadwallader M ^r Clarke and M ^r Schurman	ay	ay
M ^r S ^t Clair M ^r Irwine	ay	} ay
M ^r Meredith and M ^r Bingham	ay	
M ^r Mitchell and M ^r Kearny	ay	ay
M ^r Blount and M ^r Hawkins	ay	ay
M ^r Few and M ^r Pierce	ay	ay

So it was resolved in the affirmative.¹

[Report of Secretary at War on Venango and Fort McIntosh ²]

The Secretary of the United States for the department of War, to whom was referred a motion, to establish a garrison at Venango, and to countermand the order for dismantling Fort McIntosh.

Reports

That in his opinion, the establishment of a post at Venango, at the confluence of French Creek with the Allegany River, would in case of hostilities with the Indians, cover a considerable tract of inhabited country from their incursions, and thereby induce a confidence in the protection of the United States.

That in case of a party of troops being posted at the said place, it should be a permanent arrangement; that the commanding officer, should always possess a sufficient number of Boats, to transport the troops, their baggage, and Stores, down the Allegany, provided necessity or convenience, should dictate the measure.

That in a defensive plan for the frontiers, with the present number of troops, Fort Mc Intosh would also be of service, and while it remains necessary to observe such a plan, it will be proper to retain a garrison in said post.

¹ According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 139, the committee was Mr. William Few, Mr. James Mitchel Varnum and Mr. Benjamin Hawkins. See April 12, 1787.

² *Papers of the Continental Congress*, No. 151, pp. 239-240, read March 9, 1787. According to indorsement and the *Committee Book, Papers of Continental Congress*, No. 190, p. 139, it was referred back to the Secretary at War to take order. See March 8, 1787.

Your Secretary therefore submits the following Resolves to Congress
Resolved, That the Secretary at War be, and he is hereby directed, to order the commanding Officer of the troops on the Ohio, to detach immediately one company of Infantry, such Ordnance, and so many of the Corps of Artillery, as he shall judge proper, to take post at Venango.

Resolved, That the Secretary at War suspend the order for dismantling Fort McIntosh.

H KNOX

WAR OFFICE March 9th 1787.

[Motion of Mr. Mitchell on a report of Secretary for Foreign Affairs ¹]

Motion of M^r Mitchell Few 9 March 1787

Ordered That the Sec^y deliver out of the Office the Report of the Sec^y for foreign Affairs on M^r Adams letter relative to infraction of the treaty to any Member applying for the same.

MONDAY, MARCH 12, 1787.

Congress assembled. Present Massachusetts New York New Jersey Pennsylvania, Delaware Virginia North Carolina and Georgia and from Rhode island M^r [James Mitchel] Varnum and from Connecticut M^r S[tephen] M[ix] Mitchell.

[Motion of Mr. King for reducing postage rates ²]

Resolved that the Post M. G. be and hereby is authorised to lower the present rate of Postage on Letters, Packets Dispatches, provided that he may not reduce the same more than twenty five per Cent lower than the present Establishment.

¹ *Papers of the Continental Congress*, No. 36, III, p. 335, in the writing of Thomson. Probably made by Mr. Nathaniel Mitchell and seconded by Mr. William Few. It is indorsed "Secretary of Congress to take order" and is entered in the *Committee Book, Papers of the Continental Congress*, No. 190, p. 139.

² *Papers of the Continental Congress*, No. 36, III, p. 339, in the writing of Mr. Rufus King. On the back of the original is noted a vote by states. According to indorsement and *Committee Book, Papers of the Continental Congress*, No. 190, p. 140, the motion was referred to the Postmaster General to report. Report rendered March 15, 1787.

[Report of Commissioner for settling Army Accounts on petition of Pierre Charlong ¹]

The commissioner of army accounts to whom was referred the Petition of Pierre Charlong, begs leave to report.

That it appears from a certificate of Ethan Allen who was a Colonel in the service, that the petitioner was a prisoner two years and about two months.

That it appears also from the musters of General Hazens late regiment that the petitioner joined the Regiment as a Volunteer about the beginning of February 1782. and continued as such until the discharge of the Army.

That the petitioner hath not received any recompence for these services, as far as your Commissioner can ascertain, and That a certain act limitting the claims of the Army ² dated the 2^d day of November 1785, having precluded any further demands of this nature, the Petitioner is therefore debarred from the same, unless a particular act of Congress is made in his favor

All which is humbly Submitted

Jⁿ PIERCE ³

OFFICE OF ARMY ACCOUNTS

New York March 9th. 1787

¹ *Papers of the Continental Congress*, No. 62, p. 205, read March 12, 1787. See March 8 and 19, 1787.

² *Journals*, vol. XXIX, p. 866.

³ MARCH 12, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 140, the following matters were referred:

Petition of William Taylor for the settlement of his accounts, received March 12, 1787. Referred to Board of Treasury to report.

Memorial of Nathaniel Appleton, February 21, 1787, read March 12, praying for allowance for extra service as commissioner of the Loan Office in Massachusetts. *Papers of the Continental Congress*, No. 41, I, pp. 101-102. Referred to the Board of Treasury to report generally on the subject. Report rendered March 19, 1787.

Letter of Uriah Forrest, March 10, 1787, read March 12, requesting appointment as consul-general in England. *Papers of the Continental Congress*, No. 46, p. 379. Referred to the Secretary for Foreign Affairs to report. Report rendered March 29, 1787.

Also according to the *Committee Book*, p. 137, Mr. James Mitchel Varnum was appointed, in the place of Mr. Charles Pinckney, on the committee of February 15, 1787 on a motion to repeal the Ordinance of October 13, 1786.

TUESDAY, MARCH 13, 1787.

Congress assembled. Present as yesterday.

On a report ¹ of the Secretary for foreign Affairs to whom was referred a letter ² of the 20 feby 1787 from J M Pintard

Resolved That a commercial Agent to reside at the Port of Lisbon be appointed, who shall not be entitled to receive any Salary fees or emoluments of Office.

Ordered That Monday next be assigned for the election of the said commercial Agent.³

On a letter ⁴ from M^r A Lee a commissioner of the board of treasury stating that the situation of his Affairs requires his presence and requesting leave of Absence for six weeks

Ordered That leave of Absence be granted to him agreeably to his request.

[Report of Secretary of Congress on sundry petitions⁵]

March 12, 1787.

OFFICE OF SECRETARY OF CONGRESS.

On the letter ⁶ of the 27 of February from J Pierce, late paymaster general stating, that in the course of payments made by George Reid one of his deputies by some accident there is a deficiency in his cash account to the amount of 520 dollars which deficiency it is apprehended arose from the mistake of paying away notes of a larger denomination instead of those of a smaller, and praying that this sum may be allowed and passed to his credit in the settlement of his Accounts as has been done to others in cases of a similar nature,

¹ See March 8, 1787.

² See February 26, 1787.

³ This proceeding is entered by Benjamin Bankson, in *Secret Journal, Foreign Affairs, Papers of the Continental Congress*, No. 5, III, pp. 1562-1563.

⁴ *Papers of the Continental Congress*, No. 78, XIV, p. 735, dated March 12, 1787.

⁵ *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, p. 48.

⁶ See March 8, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 140, the letter was referred as indicated in the report.

The Secretary of Congress reports

Agreed to
March 13th

That the letter of 27 Feby from J. Pierce with the papers enclosed be referred to the board of treasury to report.

On the memorial¹ of Moses Hazen late brigadier general in the Army of the United States, praying

That Congress will be pleased to recommend to the several states the adoption of the Unfortunate Canadian refugees from the time they left Canada as citizens of the States in which they reside or are settled,

The Secretary of Congress reports

Negatived
March 13

That the memorial of M Hazen late brig^r gen^l be referred to a committee.

The memorial to be filed.

[Report of Secretary at War on removal of military stores from Springfield²]

The Secretary of the United States for the department of War, to whom was referred the Motion of the Honorable M^r Grayson respecting the removal of the Arms, and Military Stores from Springfield in the State of Massachusetts,

Reports

That he humbly conceives it will be necessary, in order to form a right judgement of the measure proposed, to examine, whether Springfield possesses those qualities, which are essential to a permanent national deposit of the United States. To take into consideration the number and convenience of the buildings erected there. The expence that would be incurred in removing the ordnance and Stores, and also, to enquire into the existing political circumstances of Massachusetts, as they may affect the safety of the federal property at Springfield.

If the local situation of Springfield be examined relatively to the Country east of Hudsons River, excepting the remote parts of Massachusetts formerly the province of Main, it will be found, to be well placed as common centre, whence might be issued such warlike apparatus as national objects should, from time to time require; Being a considerable distance up on Connecticut river, it has the

¹ See March 8, 1787.

² *Papers of the Continental Congress*, No. 151, pp. 243-254, read March 13, 1787. See March 8, 1787.

benefits of a water transportation by boats, and a perfect security against a marine enemy.

In the year 1777, the United States in Congress assembled, decided on Springfield, as one of their important deposits of Ordnance and Stores. A lease of 10 acres of ground in an eligible situation, was purchased of the town for 99 years, on which were erected, a variety of large wooden buildings for the reception of the Stores, and accommodation of the troops and artificers, a laboratory, a foundery for casting of brass cannon, and a spacious and well constructed brick Magazine.

The returns on the files of Congress will show the numbers of Cannon, and small arms, and the variety of Stores deposited at Springfield, the whole weight of which amounts by estimation to 450 or 500 Tons.

The expence of removal would depend on the distance and circumstances of the place to which they should be removed, but in almost any case, a considerable sum would be required for the purpose.

If the political state of Massachusetts be investigated it will appear, that a rebellion has arisen within that state, and that it is in a train of being effectually suppressed by the vigor of the government.

That in the commencement, and progress of the rebellion, the executive government of said State, manifested the highest degree of attention to the safety of the federal Arsenal and Magazine.

That on the first application of your Secretary to the Governor of said State, on the 19th September 1786, he instantly issued an order to the Major General of the division of Militia in the vicinity of Springfield, directing him, to furnish such a guard for the protection of the Stores, as your Secretary should judge necessary.

Although circumstances rendered it prudent to postpone the immediate execution of said order, yet in consequence thereof, a large body of militia were in constant readiness, to march to the Arsenal on the shortest notice.

That when the executive government of said State decided on the employment of troops, against the insurgents as the last remedy, the security of the federal Arsenal, was considered as a most important object, and accordingly, Major General Shepard of the Militia, was directed to take post at the same, with 1200 men, two days before the troops assembled in the vicinity of Boston. That a large body of armed insurgents, did make their appearance before General Shepard, on the 25th of January, who repulsed and dispersed them by discharging cannon against them.

That after the said 25th of January, an adequate guard was stationed at the federal buildings by the officers of said State, untill relieved on the 24th of February by a detachment of the troops of the United States, raised in Connecticut, amounting to about 120 men.

That however just, the apprehensions which may have been entertained for the safety of the Stores at Springfield; yet the power, and dispositions of the government of Massachusetts to protect the same, have been amply evinced.

That the guard now stationed at Springfield will be sufficient to protect the Stores against any small parties of desperate men, and a large body of such cannot be collected without the circumstance being known, and time given to assemble a sufficient reinforcement of the well effected militia of the neighbourhood.

That certain block houses and defences were constructed, and partly executed, by General Shepard which Colonel Humphreys is finishing, and which will afford considerable security to the buildings.

That your Secretary is decidedly of opinion, that no Arsenal or Magazines of the United States, can be deemed perfectly secure, unless guarded by a military force bound to obey the orders of Congress.

Impressed with the Idea, that in proportion to the freedom of government is the danger of faction, your Secretary apprehends, that all the States in the Union, are liable in different degrees, to be agitated with similar commotions to those which have manifested themselves in Massachusetts, but that the issues may be dissimilar. He therefore is utterly at a loss to point out any place, where the stores will be more secure than at Springfield, unless at the fortified post of West-point on Hudsons River.

But in the opinion of your Secretary there is an insuperable objection to West Point as a national Arsenal. The bold navigation of the river, renders it continually liable to be insulted, or injured by the caprice or interest, of any foreign marine power. The importance of the place in a military point of view, is particularly reported and submitted to Congress ¹ on the 31st July 1786.

Besides its insecurity against a foreign invasion unless strongly garrisoned, it would be highly injudicious, in addition to the numerous Ordnance and Stores already there, which are but indifferently accomodated, to crowd those which are at Springfield. The accidents to

¹ *Journals*, vol. XXX, pp. 447-449 and vol. XXXI, p. 467.

which powder, or other combustible matter is perpetually liable, should ever prevent too great an accumulation of stores at one point.

Should the disorders of Massachusetts extend themselves, West Point with its advantages might tempt some daring usurper to possess himself of it, in its present weak situation, to the extreme injury of the public. Anxious to guard against such an event, your Secretary has ordered the recruits of Massachusetts from Boston to Springfield in order to relieve the recruits of Connecticut who will be ordered to West-Point, Provided that Massachusetts will furnish the necessary means to march their recruits to and subsist them at Springfield; and that the means can be obtained for the same purposes for the Connecticut troops at West Point, and provided also, that the same should be conformable to the intentions of Congress.

Convinced as your Secretary is of the probable comparative security of the Arsenal at Springfield for the present, he cannot report in favor of removing them—a measure, the expenses of which, would be great and immediate, the consequences at least equivocal, if not politically injurious.

Your Secretary has had under his consideration for a long period, a system for the establishment of permanent national Magazines, and Arsenals, throughout the United States. He has not brought it forward because the state of the public treasury has been such, as to preclude any expences, but those which are essential to immediate existence. In the report, which will be submitted on this subject, four places are pointed out, at which it may be proper to establish the principal national deposits. Viz †

1. Springfield in Massachusetts. To supply all the Country east of Hudsons River.

2. At some suitable place on the Delaware not lower than Coriels ferry nor higher than Easton, for all the Country westward of Hudsons river to the Potowmak inclusively.

The public are in possession of a variety of brick buildings at Carlisle in Pennsylvania, constructed and erected specially for the purpose of a national deposit. The returns on the files of Congress will show that the military stores now there are inconsiderable. Were the river Susquehannah navigable for Boats, and also the Creek which runs through Carlisle, the stores in Philadelphia might be transported to that place. But as the navigation of the said Creek and River is not a probable event, at an early period, it would be fortunate if the said buildings could be sold to any tolerable advantage. It would require

a larger sum of money than can probably be furnished for the object, to transport the stores by land to Carlisle. But the expence of the first transportation is not so great an objection as the amount of the successive transportations and re-transportations during a period of forty or fifty years. The probability of the navigation of the Delaware being completed in a few years from the falls of Trenton to Easton, renders the place beforementioned between Coriels ferry, and Easton, much more eligible than Carlisle. But its relation to the Country between Hudsons River and the Delaware, The facility with which stores could be transported to Christiana Bridge and thence by a portage of 12 miles to the head of Elk render the Delaware decidedly superior to Carlisle. The Stores in Philadelphia, are liable to be destroyed by fire and they are not well deposited being in common buildings in different parts of the City, the rent of which, annually amounts to a considerable sum of money.

3^d At on near the point of Forks on James River, to serve Virginia and part of North Carolina.

4th At or near the junction of the Congaree and Wateree with the Santee, to serve part of North Carolina, South Carolina, and Georgia.

A deposit might be formed at Fort Pitt for all the posts on the Ohio; and the posts on the lakes might be supplied from West point on Hudsons river, by the way of the Mohawk river and Wood creek.

The aforesaid proposed principal deposits will enjoy the great advantages of a water communication with the Ocean without the danger of being injured by a hostile navy. Circumstanced as the United States are and as they probably will be for a long period in future, the means of defence ought to be secured from a sudden approach of a foreign enemy.

It will be proposed, that the number of one hundred thousand arms, shall be deposited in the respective Arsenals, a train of battering Artillery and every kind of Stores necessary thereto, field Artillery and every necessary equipment for an army of every species of troops.

That the respective Arsenals and Magazines should contain Arms, Ammunition and other stores in proportion to the population of the districts they were intended to supply. But that the trains of battering Artillery with their apparatus and Ammunition should be equal at each Arsenal and Magazine.

That the Ordnance, Arms, and Stores at present in possession of the United States should be distributed to the Arsenals in proportion

to the numbers and quantities to be deposited at each according to the directions of Congress. The Arms Ordnance and Stores deficient, should be manufactured and produced if practicable within the United States, as soon as the finances of the same would admit agreeably to the orders and appropriations of Congress.

All which is humbly submitted.

H KNOX.

WAR OFFICE March 13th 1787.

[Report of committee on resolution of Virginia ¹]

The Committee [consisting of Mr. William Blount, Mr. James Mitchel Varnum and Mr. William Grayson] to whom was refered the Resolution of the State of Virginia of the 13th January 1786 passed in Conformity to a Resolution entered into by the State of Maryland in the same year and to whom was refered the Resolutions of the said State of Virginia of the 22^d November 1786 report the following Resolve

That Congress do consent to the Annual Meetings of Commissioners as proposed in the said Resolutions for the purposes therein expressed for the Term of seven Years. ~~unless some general Regulation of Congress shall sooner take place.~~²

¹ *Papers of the Continental Congress*, No. 20, II, p. 325, in the writing of Mr. William Blount. Read March 13 and question taken and lost May 8, 1787. See February 26 and March 1, 1787.

² MARCH 13, 1787. According to indorsement and *Committee Book, Papers of the Continental Congress*, No. 190, p. 140, the letter of Thomas Jefferson to John Jay, October 23, 1786, was referred to the Secretary for Foreign Affairs to report. According to the indorsement it was referred to the Secretary to report particularly on Mr. Jefferson's request to be permitted to travel on account of his health and on what respects the Marquis de Lafayette. See March 8, 1787.

THURSDAY, MARCH 15, 1787.

Congress assembled present as before.

[Report of Secretary for Foreign Affairs on petition of Richard Lawrence ¹]

OFFICE FOR FOREIGN AFFAIRS

14th March 1787.

The Secretary of the United States for the Department of foreign Affairs to whom was referred the Petition of Richard Lawrence, complaining that he is confined in the Gaol of the City of New York on Actions and Judgments at Law, commenced and had against him according to the Form of an Act of the State of New York, passed the 17th March 1783, entitled an Act for granting a more effectual Relief in Cases of certain Trespasses,

Reports

That as the said Act is recited at Length in his Report ² of the 13th Day of October last, and which also contains his Reasons for considering it as being a direct Violation of the Treaty of Peace, he hath until now postponed reporting on this Petition, in Expectation that the Resolutions of Congress on the Complaints stated in that Report, would reach every Case of the like Nature. But as that Report still remains under Consideration, and as the said Richard Lawrence and other Petitioners still remain confined in Prison, He thinks it his Duty for the Reasons specified in that Report briefly to observe, that in his Opinion the said Act and all Prosecutions under it for military Damages committed during the late War, are Violations of the Faith of the Treaty of Peace, and as such ought to be done away.

He forbears reporting any Resolution as proper in his Opinion to be taken on this Head, because he thinks that considering how the national Government is circumstanced, the Resolutions contained in his former Report are the most expedient that he is able to devise.

All which is submitted to the Wisdom of Congress.

JOHN JAY.

¹ *Papers of the Continental Congress*, No. 81, III, pp. 189-190, read March 15, 1787. See *Journals*, vol. XXXI, p. 562. See also May 28 and June 13, 1788.

² *Journals*, vol. XXXI, p. 781 ff.

[Report of Secretary for Foreign Affairs on letter of Minister of United Netherlands ¹]

[Report of Postmaster General on reducing the rates of postage ²]

GENERAL POST OFFICE

March 13th 1787.

The Postmaster General begs Leave to report upon the Motion for reducing the Rates of Postage.

That he apprehends such a Measure will prove generally satisfactory, as he has repeatedly heard it alledged that the present Rates are too high;

That, should the Rates be reduced, he thinks it probable an Increase of Correspondence will prevent a Diminution of the Revenue.

He is therefore of Opinion that a Reduction of the present Rates of Postage is adviseable; but, inasmuch as some considerable Time will be necessary for making the Calculations, getting the new Tables of Rates printed, and forwarded to the several Postmasters so that the new Establishment may take Place in all the Parts of the Union at the same Time; and as, from his having no Clerk, his Attention must frequently be withdrawn from this Business by the other Duties of his Office, he begs Leave to propose that the Receipt of the reduced Postage do not commence before the first Day of January next. Which is respectfully submitted.

EBEN HAZARD

[Resolution of New Hampshire respecting delegates to a convention ³]
State of New Hampshire

IN THE HOUSE OF REPRESENTATIVES

Jan^y 17th 1787.

Resolved, that any two of the Delegates of this State to the Congress of the United States, be and hereby are appointed and authorized

¹ *Papers of the Continental Congress*, No. 81, III, pp. 193–199, dated March 14 and read March 15, 1787. This report was acted on October 13, 1787, where it is entered *verbatim* in the *Secret Journal Foreign*. See March 1 and August 2, 1787.

² *Papers of the Continental Congress*, No. 61, p. 407, read March 15, 1787. See March 12 and October 20, 1787.

³ *Papers of the Continental Congress*, No. 64, p. 332, transmitted to Congress in letter of John Sullivan to President of Congress, March 3, 1787, read March 15, which is on p. 328.

as Deputies from this State, to meet such Deputies as may be appointed and authorized by other States in the Union, to assemble in Convention at Philadelphia on the second day of May next, and to join with them in devising and discussing all such alterations and further provisions as to render the federal Constitution adequate to the Exigencies of the Union and in reporting such an Act to the United States in Congress, as when agreed to by them, and duly confirmed by the several States, will effectually provide for the same. But in case of the Death of any of said Deputies, or their declining their Appointments, the Executive is hereby authorized to supply such vacancies, and the President is requested to transmit forthwith a copy of this Resolve to the United States in Congress and to the Executive of each of the States in the Union.

Sent up for concurrence.

JOHN LANGDON *Speaker*

In Senate the same day read and concurred with this Amendment that the said Delegates shall proceed to join the Convention aforesaid, in case Congress shall signify to them, that they approve of the Convention, as advantageous to the Union and not an infringement of the Powers granted to Congress by the Confederation.

JN^o SULLIVAN *President*

In the House of Representatives the same day read and concurred.

JOHN LANGDON *Speaker*¹

A true Copy

Attest JOSEPH PEARSON, *Sec^y*

¹ MARCH 15, 1787. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 140, the following petitions were read and referred to the Board of Treasury to report:

Petition of Lydia Wallingford, widow of Lieut. Samuel Wallingford, of the Continental Marines, for half pay for seven years granted widows of officers killed in action or for a share in the prize money. *Papers of the Continental Congress*, No. 42, VIII, pp. 379 and 383, with supporting documents on pp. 385, 389, 393-396. Report rendered April 18, 1787.

Petition of Mary Vance praying for a depreciation allowance on the pay of her deceased son Joseph Curry. *Papers of the Continental Congress*, No. 42, VIII, pp. 121-122. Report rendered March 27, 1788 and the papers delivered to Mr. Abraham Clark on April 2, 1788.

MONDAY, MARCH 19, 1787.

Congress assembled. Present Massachusetts New York New Jersey, Pennsylvania, Delaware Virginia North Carolina and Georgia and from Rhode island M^r [James Mitchel] Varnum and from Connecticut M^r [William Samuel] Johnson.

On a letter ¹ from M^r T. Hutchins requesting leave of Absence for a week or ten days,

Ordered That leave be granted.

[Report of Board of Treasury on memorial of N. Appleton ²]

The Board of Treasury to whom it was referred to Report Generally on the Memorial of Nathaniel Appleton Continental Loan Officer for the State of Massachusetts, praying that a Compensation may be allowed for certain Extra Services in that Department not provided for by Acts of Congress,

Beg leave to Report

That the Statement of the Accounts of the said Nathaniel Appleton have not as yet been reported on to this Board by the Commissioner for the State of Massachusetts.

That to determine how far the Established Commissions to the former Loan-Officers are adequate to their respective services, it is necessary that their several Accounts should be previously adjusted and reported on to this Board, for till this is effected; it cannot be ascertained, whether the several Officers have properly accounted for the Certificates, Money &c^a with which they are chargeable; or whether the aggregate Value of their Commission is, or is not adequate to their respective Services.

That the operation of a Commission in the late Loan-Office transactions is such, that it must depend on the amount of the Business done by the respective Officers, whether or not their Services have been properly compensated. it appears therefore in the opinion of the Board, not practicable to establish any general Rule of Compensation on account of Extra Duties not provided for by Acts of Congress.

¹ *Papers of the Continental Congress*, No. 60, p. 297.

² *Papers of the Continental Congress*, No. 138, I, pp. 79-81, read March 19, 1787. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 327. See March 12, 1787.

But few of the late Loan-Office Accounts have yet been adjusted, and Reported on to this Board; from those States where the Transactions of that Department have been regularly kept; the Accounts adjusted by the State Commissioners may in a short time be expected, Congress will then have it in their power, to judge whether any general or particular allowance ought to be made to the former Loan Officers, beyond their established Commission.

Under these circumstances the Board are of Opinion

That M^r Appleton should be informed that his Memorial cannot be taken into Consideration till his Accounts are adjusted and Reported on to the Treasury, agreeably to the Rules established for settling the Old Loan Office Accounts.

All which is humbly submitted.

March 15th 1787.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

[Report of Board of Treasury on petition of Abraham Yates, jr.¹]

[Report of Board of Treasury on memorial of A. H. Dohrman.²]

BOARD OF TREASURY,
March 19th 1787.

Present Samuel Osgood

Walter Livingston

The Board of Treasury to whom it was referred to examine the Claims ³ of M^r Arnold Henry Dohrman, Agent for the United States at the Court of Lisbon,

Beg leave to Report

¹ This report dated March 14, 1787 and signed by Samuel Osgood, Walter Livingston and Arthur Lee, is in *Papers of the Continental Congress*, No. 138, II, pp. 601-608, with accompanying documents on pp. 609-622. Read March 19, 1787. The report was acted on October 9, 1787 where it is entered *verbatim* in the *Journal*. See February 20, 1787.

² *Reports of the Board of Treasury A*, pp. 335-338; Library of Congress photostat copy. The covering letter of the Board, read March 19, 1787, is in *Papers of the Continental Congress*, No. 140, I, p. 331. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 140, the report was referred to a committee consisting of Mr. James Mitchel Varnum, Mr. Rufus King and Mr. William Few. It was discharged on April 19, 1787.

³ A copy of Dohrman's memorial to Congress in June 1786 is in *Papers of the Continental Congress*, No. 78, VIII, pp. 221-223. See *Journals*, vol. XXX, p. 415.

That in consequence of the above reference they have caused M^r Dohrmans accounts for supplies to American Prisoners during the late War, to be examined by the proper Officers of the Treasury: the amount of which is found to be 25,084 40/90ths Dollars.

That out of this Sum only 5,806 72/90ths Dollars are supported by such regular Vouchers as will authorise an admission by the proper Officers of the Treasury.

Various documents are offered in support of the remainder, but they are deemed too general by Executive Officers, as adequate Vouchers in support of Specific Charges.

That this deficiency appears to arise in a principal degree from the nature of the Disbursements made by M^r Dohrman, whose own house was frequently the Asylum of whole Crews of Captive American Seamen, who were fed, clothed, and relieved in sickness through his benevolence; and that at a time when the political connection betwixt the Courts of Great Britain and Portugal rendered a display of his attachment to the American cause, dangerous, both to his Person and property.

That such was the conduct of M^r Dohrman appears from the various certificates accompanying his memorial, and from the Resolve¹ of Congress of the 21st of June 1780 (founded on a Report of the Committee of Foreign Affairs) appointing M^r Dohrman Agent for the United States in the Kingdom of Portugal in the preamble to which, his extensive Disbursements to our Prisoners, and Zealous Attachment to the cause of America are acknowledged in terms highly honorable to that Gentleman.

From the Report above referred to, it appears to have been the expectations of M^r Dohrman that the United States in Congress, should at a convenient season, reimburse his actual expenditures for the support of the American Prisoners, and though the Resolve for his appointment is silent as to this object, his claim appears grounded on the principles of Reason, and common justice; especially when it is considered, that the Act for his appointment is grounded on the Report of the Committee of Foreign Affairs, to whom his expectation of reimbursement had been stated.

The Board however beg leave to observe, that however strong the presumption is, from the character of M^r Dohrman and other circumstances attending his Transactions, that the whole of the sum

¹ *Journals*, vol. XVII, p. 541.

by him charged, have been actually expended for the Service of the United States, yet it appears dangerous to admit at the Treasury, such parts of his Disbursements as are not supported by regular Vouchers, since the precedent would be – bable be¹ taken advantage of by Persons, whose character and pretentions (if properly ascertained) might be found very dissimilar from those of M^r Dohrman.

Under the circumstances above stated the Board submit to the Consideration of Congress the following points Viz.

1st That M^r Dohrman be reimbursed such part of his Expenditures as appear to be supported by proper Vouchers amounting to Dollars with Interest from the time such disbursements were made.

2^d That (as in the case of M^r Dumas the present agent at the Hague) he be allowed in consideration of faithful and generous Services the Sum of 1,300 Doll^r per annum to be computed from the period when his expenditures commenced to the present day.

3^d That such reimbursement, and payment of Salary be made in the manner most convenient to the present state of the Finances.

4th That (as the aggregate of the above sums will fall far short of the amount of the expenditures, as stated by M^r Dohrman) being as above mentioned Doll^r exclusive of Interest, a Grant be made to that Gentleman free of all charges of Survey and other expences whatsoever of Acres of Land in the Western Territory of the United States; and that the Act of Congress making the above Grant express the reasons on which the same is founded, in such manner as may manifest the Services of M^r Dohrman to this Country, and the generous sence which the United States in Congress entertain of them.

Should the principles of the above Report be approved of by Congress; The Board beg leave to suggest whether it might not be proper to refer the same to a special Committee in order that proper Resolves may be reported to the United States in Congress for carrying the same into execution.

All which is humbly submitted.²

¹ This unintelligible phrase possibly should read "would be liable to be."

² MARCH 19, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 140, the following committees were appointed:

Mr. William Samuel Johnson, Mr. William Grayson and Mr. Nathan Dane on the petition of Nathaniel Norris, dated February 22, 1787, read March 19, requesting payment of his lost certificate. *Papers of the Continental Congress*, No. 42, V, pp. 455 and 463. The committee was discharged October 9, 1787.

TUESDAY, MARCH 20, 1787.

Congress assembled, Present Massachusetts Connecticut New York New Jersey Pennsylvania Delaware Virginia North Carolina and Georgia and from Rhode island M^r [James Mitchel] Varnum and South Carolina M^r D[aniel] Huger who produced Credentials whereby it appears that he is duly appointed a delegate to represent the State of South Carolina in Congress until the first Monday in Nov^r next.

[Credentials of Daniel Huger, South Carolina ¹]

State of South Carolina

By His Excellency Thomas Pinckney Esquire Governor and Commander in Chief in and over the State aforesaid.

To the Honorable Daniel Huger Esquire, Greeting.

Know ye that by Virtue of the Power and Authority in me Vested by the Legislature of this State, I have Commissioned and by these Presents do Commission, you the said Daniel Huger, to be a Delegate, to represent this State in the Congress of the United States of America. This Commission to Continue and be in force until the first Monday in November next, and no longer.

Given under my hand and the Great Seal of the State, in the City of Charleston, this sixth day of March in the year of Our Lord One

Mr. Rufus King, Mr. William Grayson and Mr. William Pierce on a report of the Commissioner of Army Accounts respecting Pierre Charlong. Report rendered March 22, 1787. See March 12, 1787.

Also according to the *Committee Book*, p. 135, Mr. Abraham Clark was appointed to the committee of February 12 on reduction of the Civil list, in place of Mr. Charles Pinckney.

According to indorsement the following was read:

Letter of Arnold Henry Dohrman to President of Congress, March 17, 1787, which enclosed letters of Washington and P. Henry to R. H. Lee and a copy of Dohrman's petition of June, 1786. *Papers of the Continental Congress*, No. 78, VIII, pp. 207-208 and 211-223.

¹ Original credentials, on parchment, indorsed as read March 20, 1787, *Papers of the Continental Congress*, South Carolina Credentials. Copied in *Record of Credentials*, *Papers of the Continental Congress*, No. 179, I, p. 208.

thousand Seven hundred and eighty Seven, and of the Sovereignty and Independence of the United States of America, the Eleventh.

THOMAS PINCKNEY ¹

By His Excellency's Command.

PETER FRENEAU *Secretary.*

[SEAL PENDENT]

WEDNESDAY, MARCH 21, 1787.

Congress assembled present as yesterday.

On the report ² of the board of treasury to whom was referred the memorial of colonel Marinus Willet together with a report of the Commissioner of army accounts and a committee of Congress ³ on the said report.

¹ MARCH 20, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 141, the following committees were appointed:

Mr. Rufus King, Mr. William Grayson and Mr. William Pierce on a petition of Anthony Son, read March 20, 1787, for pay for services in the army. *Papers of the Continental Congress*, No. 42, VII, pp. 275-276. The accompanying certificates are on pp. 279-282. Report rendered March 22, 1787. This is the same committee as that of March 19 on petition of Pierre Charlong.

Mr. William Grayson, Mr. James Mitchel Varnum and Mr. Stephen Mix Mitchell on the memorial of Matthias Ogden, dated and read March 20, 1787, regarding payment under contract for transportation of mail. *Papers of the Continental Congress*, No. 41, VII, pp. 283-284. Report rendered March 21, 1787. See March 23, 1787.

According to indorsement and the *Committee Book*, p. 141, the following memorials were read and referred to the Board of Treasury to report:

Memorial, dated November 10, 1786, of Eb Sproat, Isaac Sherman, Robt. Johnson, James Simpson, Israel Ludlow, S. Montgomery, Winthrop Sargent, Charles Smith and Absalom Martin, surveyors for the several states for executing the ordinance of 1785, regarding expenses. *Papers of the Continental Congress*, No. 41, IX, pp. 431-432. See October 3, 1787. Benjamin Tupper also signed this petition but his name was erased.

Memorial of Benjamin Tupper, surveyor for Massachusetts, November 10, 1786. *Papers of the Continental Congress*, No. 41, X, pp. 263-264. See October 3, 1787.

Also according to the *Committee Book*, p. 141, the Board of Treasury was ordered to report a plan for selling the townships surveyed in the Western territory for public securities. Report rendered April 5, 1787.

² See March 8, 1787.

³ *Journals*, vol. XXXI, p. 564.

Resolved That the commissioner of army accounts settle with such of the officers and men of the regiment lately commanded by colonel Marinus Willet as were in the actual service of the United States during the year 1783 for all arrears of pay and subsistence respectively due to them.

¹ On the report ² of the Secretary of the United States for the department of foreign Affairs to whom was referred a letter ³ of the 4 March 1786 from M^r J Adams minister plenipotentiary of the United States of America at the court of London together with the memorial ⁴ of the said minister dated the 30 Nov^r 1785 and presented by him on the 8 of December following to his Britannic Majesty's Secretary of State; and the answer received by M^r Adams to the said memorial and contained in a letter ⁵ from the said Secretary of State dated at S^t James Feb^y 28, 1786 and other papers accompanying the same,

Congress unanimously agreed to the following resolutions.⁶

Resolved That the legislatures of the several States cannot of right pass any act or acts for interpreting, explaining or construing a national treaty or any part or clause of it; nor for restraining, limiting or in any manner impeding, retarding or counteracting the operation and execution of the same for that on being constitutionally made ratified and published they become in virtue of the confederation part

¹ From this point to the end of the day the proceedings are also entered by Benjamin Bankson in the *Secret Journal Foreign Affairs, Papers of the Continental Congress*, No. 5, vol. 3, pp. 1563-1564.

² See *Journals*, vol. XXXI, pp. 781-874.

³ *Papers of the Continental Congress*, No. 84, VI, p. 147.

⁴ *Papers of the Continental Congress*, No. 84, V, pp. 745-746.

⁵ *Papers of the Continental Congress*, No. 84, VI, pp. 151-175 (copy).

⁶ See *Journals*, vol. XXXI, pp. 869-870. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 141, the report of the Secretary for Foreign Affairs of October 13, 1786, was referred back to report a draft of a letter to the States to accompany these resolutions and also a draft of instructions to Mr. Adams on the same subject. Report of the draft to the States rendered April 9, and of instructions to Mr. Adams on April 23, 1787.

of the law of the land and are not only independent of the will and power of such legislatures but also binding and obligatory on them.

Resolved That all such acts or parts of Acts as may be now existing in any of the States repugnant to the treaty of Peace ought to be forthwith repealed, as well to prevent their continuing to be regarded as violations of that treaty as to avoid the disagreeable necessity there might otherwise be of raising and discussing questions touching their validity and Obligation.

Resolved That it be recommended to the several States to make such repeal rather by describing than reciting the said acts and for that purpose to pass an Act declaring in general terms that all such acts and parts of acts repugnant to the treaty of peace between the United States and his britannic Majesty or any article thereof shall be and thereby are repealed and that the courts of law and equity in all causes and questions cognizable by them respectively and arising from or touching the said treaty shall decide and adjudge according to the true intent and meaning of the same, any thing in the said acts or parts of acts to the contrary thereof in any wise notwithstanding.

[Report of Board of Treasury on application of M. Schmyser ¹]

The Board of Treasury to whom was referred for reconsideration, their Report ² on the Application of Michael Schmyser, together with a Motion ³ relative thereto,

Beg leave to Report,

That the reason assigned by the said Motion for reconsidering the former Report of the Board is, that the same is founded on the idea

¹ *Papers of the Continental Congress*, No. 138, II, pp. 329-331, read March 21, 1787. The covering letter of the Board, also read, is in the *Papers of the Continental Congress*, No. 140, I, p. 335.

² *Journals*, vol. XXXI, pp. 334-335.

³ Motion of Mr. Arthur St. Clair, September 4, 1786. See *Journals*, vol. XXXI, pp. 633-634.

that the Arms for which payment had been made in Continental Money were procured on the credit of the Memorialist; whereas (as it is alledged) they were purchased on the personal Credit of the Soldiers under his Command, who are liable to prosecution for their just value to the Inhabitants, by whom they were respectively furnished.

On a mature consideration of the circumstance above mentioned, The Board are of Opinion, that the principles on which their former Report is founded are not affected by it; Since M^r Schmyser, must be presumed to have been the Agent for the Parties, who made themselves liable for the Cost of the Arms; and consequently his Acts in receiving the Continental Money, notwithstanding its depreiated State, and in not offering to return it at an early period, must be considered as the Acts of the Persons whose interests he represented.

The Board are sensible of the disagreeable Situation to which the persons stated in the Motion may be reduced by the consequences of the Transaction; but they cannot recommend in any instance a reconsideration of an Account, of which payment has been formally made at the Treasury, on account of the Depreiated State of the Currency, at the time the same was received; Since the consequence of such a precedent, might operate so, as not only to set afloat, in numerous instances, former Adjustments of the Public Accounts, but expose the United States to Demands, to which no Revenue within their power could possibly be adequate.

Whether the case of the Parties, affected by this transaction, is of that nature, or importance, as to induce the United States in Congress to exercise their prerogative of extending a Gratuity to them, the Board do not take upon themselves to determine. They beg leave however to suggest that if relief is proper, the same can, in their opinion, be only applied with safety in the mode above mentioned.

All which is humbly Submitted.

SAMUEL OSGOOD

WALTER LIVINGSTON ¹

March 20th 1787.

¹ MARCH 21, 1787. According to indorsement there was read, and referred to the Board of Treasury to report, a letter from William Bingham, asking for a certificate regarding a balance due to France in his Martinique accounts. *Papers of the Continental Congress*, No. 78, IV, p. 533. Report rendered March 26, 1787. The copy of an additional statement, date March 22, is on pp. 537-540.

THURSDAY, MARCH 22, 1787.

Congress assembled present Massachusetts, Connecticut New York, New Jersey, Pennsylvania, Delaware, Virginia and North Carolina and from Rhode island M^r [James Mitchel] Varnum and from Georgia, M^r [William] Pierce.

[Report of committee on memorials of Pierre Charlong and Anthony Son ¹]

On the report of a Committee, consisting of M^r [Rufus] King, M^r [William] Grayson, and M^r [William] Pierce, to whom were referred two reports of the Commissioner of Army Accounts, on the memorials of Pierre Charlong, and Anthony Son:

Resolved, That the Commissioner of Army Accounts be, and he is hereby directed to adjust and settle the Accounts of Pierre Charlong, and Anthony Son, the former a Volunteer in Col^o Hazens Regiment, and the latter a Serjeant of Dragoons in Count Pulaski's Legion, and issue to each, for such sums as may appear due, a Certificate in the usual form.²

FRIDAY, MARCH 23, 1787.

Congress assembled present Massachusetts Connecticut, New York, New Jersey, Pennsylvania, Virginia, North Carolina and Georgia and from Rhode island, M^r [James Mitchel] Varnum.

On the report³ of a com^{ee} consisting of M^r [William] Grayson M^r [James Mitchel] Varnum and M^r [Stephen Mix] Mitchell to whom was referred a memorial of Mathias Ogden,

¹ *Papers of the Continental Congress*, No. 19, I, p. 569, in the writing of Mr. William Pierce. It was read March 22, 1787 and referred to the Commissioner for Army Accounts to take order. See March 19 and 20, 1787.

² MARCH 22, 1787. According to indorsement on the report of the Secretary at War the question was taken on the case of James Giles and passed in the negative. See February 12, 1787.

Also according to indorsement was read the report of the committee of February 12, 1787 on a motion for a reduction of the salaries of the civil list. See March 23, 1787, where it is entered on the *Journal*.

³ This report, in the writing of Mr. William Grayson, was read March 21, 1787. It is indorsed on Ogden's memorial, read March 20, 1787.

Resolved That the postmaster general take Order for the payment of the quarter's wages to Matthias Ogden for the transportation of the mail.

On the report¹ of a committee consisting of Mr [Rufus] King Mr [William Samuel] Johnson Mr [Nathan] Dane Mr [James] Madison and Mr [Abraham] Clarke appointed to consider the reductions necessary to be made in the civil lists department,

Whereas the present deranged condition of the national revenues and the numerous demands on the federal treasury are not only considerations of the most serious weight and importance but justly operate as powerful motives in favour of every oeconomic reform which can with safety be adopted in the public expenditures,²

Resolved that the sum to be allotted to the support of the household of the President of Congress including the salaries of the steward and private Secretary, house rent and all other expences shall not exceed a sum at the rate of eight thousand dollars annually.³

Resolved That the salaries of the following Officers be reduced and that from and after the present quarter,

The annual salary of the Secretary of Congress be at the rate of two thousand six hundred dollars

¹ *Papers of the Continental Congress*, No. 26, pp. 635-638, in the writing of Rufus King. It was read March 22 and passed March 23, 1787.

² In the original this paragraph concludes as follows: "and as many of the salaries of the civil list were established at a period when the payments of the States under the Requisitions of Congress were more exact, and liberal, than for some time past they have been, therefore"

³ In the original this resolution appears as follows:

"*Resolved* that the expenditures of the household of the President be limited, and that after the present year, the same shall not exceed a Sum at the rate of 8,000 Dollars annually, including house Rent, Servants, Equipage, and the annual salaries of the Steward and private secretary, together with every other Expence." See December 23, 1785 (*Journals*, vol. XXIX, p. 905,) for a committee report on the subject of the expenses of the President's household which was settled by this resolution. There are some other minor verbal differences between the original report and the Journal entry.

That of the Secretary to the United States for the department of foreign Affairs at the rate of three thousand five hundred dollars,

That of each of the Commissioners of the board of treasury at the rate of two thousand two hundred and fifty dollars,

That of the Secretary of the board of treasury at the rate of fifteen hundred dollars

That of the treasurer at the rate of twelve hundred and fifty dollars

That of the comptroller of the treasury at the rate of fifteen hundred dollars

That of the Auditor at the rate of eight hundred dollars

That of the deputy Secretary of Congress at the rate of eight hundred doll^s

That of the deputy Secretary of foreign Affairs at the rate of eigh hundred doll^s

That of the Steward of the presidents household at the rate of three hundred dollars

That of the private Secretary of the president at the rate of three hundred dollars

And that of the Geographer at the rate of fifteen hundred dollars for such time as he may be actually employed in the public service.

Resolved That the services and duties of the paymaster general be and hereby are united with those of the commissioner of Army Accounts and that the said commissioner after the expiration of the present quarter be allowed in full for his services as commissioner and paymaster general a salary at the rate of twelve hundred and fifty dollars annually.

Resolved That in no case after the expiration of the present quarter there be allowed to any person employed as an Assistant or clerk in any of the départements under congress a salary exceeding the rate of four hundred and fifty dollars annually

and that no doorkeeper or messenger except those of Congress be allowed more than one hundred and fifty dollars annually.

Resolved That from and after the present quarter there be annually allowed to each of the Commissioners of the continental loan Office in full for all services and duties which are or may be annexed to their respective Offices and also in full for Office rent clerks and every other charge except that of stationary at the rate of the following sums

for New Hampshire	six hundred and fifty dollars
Massachusetts	fifteen hundred dollars
Rhode island	six hundred dollars
Connecticut	One thousand dollars
New York	One thousand dollars
New Jersey	Seven hundred dollars
Pensylvania	fifteen hundred dollars
Delaware	Six hundred dollars
Maryland	One thousand dollars
Virginia	fifteen hundred dollars
North Carolina	One thousand dollars
South Carolina	eight hundred dollars
Georgia	six hundred dollars

Provided that in those cases where in the Judgment of the board of treasury the public Interest may require the employment of one or more clerks in any of the loan Offices at the public expence, the said board be and hereby are authorised to continue in employ such clerk or clerks not exceeding the

term of three months after the expiration of the present quarter.¹

MONDAY, MARCH 26, 1787.

Congress assembled present Massachusetts Connecticut New York New Jersey, Pensylvania, Delaware Virginia North Carolina and Georgia.

M^r John B Ashe a delegate for North Carolina attended and produced the credentials of his appointment whereby it appears that he is duly appointed to represent the said in Congress until the first Monday in Nov^r next in the room of Charles Johnston esquire resigned.

[Credentials of John. B Ashe, North Carolina ²]

The State of North Carolina

To the Honorable JOHN B ASHE Esquire Greeting

Whereas the General Assembly by Joint Ballot of both Houses have Elected you the said John B. Ashe one of the Delegates of this State to Represent the same in the Congress of the United States of America, in the room of Charles Johnston Esquire who hath resigned,

We do therefore by these presents nominate Constitute and appoint

¹ MARCH 23, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 142, the following were referred:

Memorial of Captain Samuel Nicholson, March 21, 1787, read March 23, for revision of his accounts and those of his officers and for allowance for depreciation. *Papers of the Continental Congress*, No. 41, VII, pp. 130, 132. Referred to the Board of Treasury to report generally on the subject. Report rendered April 24. Acted on August 1, 1787.

Memorial of Captain Samuel Nicholson, dated and read March 23, 1787, for a share in prize money. *Papers of the Continental Congress*, No. 41, VII, p. 154. The orders of Captain Lambert Wickes to Nicholson, May 23, 1777, are on pp. 150-153 and an account of Nicholson on p. 144. Referred to the Board of Treasury to report.

According to indorsement was read a petition of Mathew Poten, March 22, 1787, requesting pay for services and allowance for depreciation. *Papers of the Continental Congress*, No. 42, VI, pp. 379-380. See March 26, 1787.

² Original credentials, read March 26, 1787, in *Papers of the Continental Congress*, North Carolina Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, p. 209.

you the said John B. Ashe one of the Delegates to represent this State in the Honorable the Congress of the United States of America. To hold exercise and enjoy the said appointment with all powers, pre-eminences, privileges, Authorities and Emoluments to the same belonging or in any wise appertaining, from the day of the date of these presents until the first Monday in November next.

Witness Richard Caswell Esquire our Governor Captain-General and Commander in Chief under his hand and our Great Seal at Fayette-ville the 22^d day of December, Anno Dom. 1786

R^d CASWELL

By His Excellency^s Com^d

WINSTON CASWELL P.S.

[SEAL PENDENT]

[Credentials of Edward Carrington, Virginia.¹]

Virginia To wit,

The General Assembly of this Commonwealth on the Seventh day of November One thousand Seven hundred and Eighty Six, by joint ballot of both Houses elected Edward Carrington Esquire a Delegate to serve in Congress until the first Monday in November, One thousand seven hundred and Eighty Seven.

Given under my hand and the Seal of the Commonwealth this Eighth day of November, One thousand seven hundred and Eighty Six.

[SEAL]

P. HENRY

[Report of Secretary of Congress on petition of M. Poten ²]

OFFICE OF SEC^y OF CONGRESS 1787

On the petition of Mathew *Poten*, stating that he is a native of Canada, that he joined the American forces in that country in 1776, that in Nov^r of the same year he was appointed an ensign in the 3^d

¹ Original credentials, produced November 20, 1786, in *Papers of the Continental Congress*, Virginia Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, p. 189. This is the first day in 1787 for which there is evidence that Mr. Carrington attended Congress, hence the credentials are here printed.

² *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, pp. 49-51. This undated report is entered in first session following the reading of the petition on March 23, 1787.

New York regiment in which character he served till the arrangement of the Army took place in 1778 and therefore claiming one years pay as a deranged Officer stating farther that he has not received from the public stores any provision from the 30 Nov^r 1780 either as a Canadian refugee or Officer and therefore praying for such relief as to Congress shall seem just.

The Secretary of Congress reports

That on the 5 July 1782 the said Mathew Poten presented a petition ¹ to Congress stating his case more particularly and claiming the years pay as a deranged Officer and depreciation of pay for the time he was afterwards in service.

That this petition was referred to the Sec^y at War who thereupon reported ² "That M^r Poten in his petition prays for one years pay presented to Officers deranged in the year 1778, for his depreciation of pay as subaltern in the fourth Pennsylvania regiment from the first day of July 1778 to the twenty sixth of Dec^r 1779 at which time he resigned and for seven months pay, having served that time with New York State troops in the year 1780; as his being allowed the several sums he requests, or not, depends on the sense Congress put on their own resolves, I beg leave in short to state his demands and recite a resolve of Congress or two which may serve to throw some light on the subject. In the year 1778 Many officers were deranged afterwards on the 24 Nov^r Congress resolved ³ that as such Officers (as a provision until they could return to civil life) should receive one years pay. M^r Poten was deranged on the 24 May 1778 and was appointed to the same rank in the line of the State of Pennsylvania on the 1 July following. He now prays allowance for the years pay promised to deranged Officers. He asks for the depreciation of his pay while a subaltern in the line of the State of Pennsylvania. He resigned his Commission prior to the resolve ⁴ of Congress of the 10th of April 1780 in which they promised to make good the deficiency of the pay of the Army occasioned by depreciation. His last request is that Congress would pay him seven months pay due to him while he served in a corps of troops raised by New York; If Congress have undertaken to pay that corps I do not see how they can attend to the request of individuals". In consequence of this report of the Secretary at War, the United

¹ *Papers of the Continental Congress*, No. 42, VI, pp. 276-277.

² *Journals*, vol. XXII, p. 377.

³ *Journals*, vol. XII, p. 1156.

⁴ *Journals*, vol. XVI, pp. 344-345.

States in Congress assembled on the 9th July 1782 were pleased to Order”

That the petition of the said Matthew Poten be dismissed

On this state of facts the Secretary of Congress reports that the [And consequently] the first part of the present petition is already decided on.

With regard to the latter request in his petition namely some compensation on account his not drawing provisions from the public Stores either as a Canadian refugee or Officer the Sec^y of Congress farther reports,

That the resolution¹ of the 9th of August 1783 is confined to the Officers of the regiment lately commanded by brig^r Hazen and to certain canadian refugees then residing at Fishkill. That the resolution² of the 11th July 1785 which discontinues the subsistence of Officers above the grade of a captain seems to continue and extend the grant of one ration a day to all Canadian refugees Men Women and children to the 1 day of June 1786 and the resolution of the 15 June 1786 granting 15 Months rations is confined to such Canadian Inhabitants as were then residing in the State of New York and who had then accepted donations of lands from the same and would settle thereon. The petitioner does not seem to come within the purviews of the first and last recited resolutions and if he did not avail himself of the benefit of the other it may be presumed he was not in such indigence as to make it necessary.

Upon the whole the Secretary of Congress is of Opinion

That Mathew Poten have leave to withdraw his petition or that it be rejected.

[Report of Board of Treasury on letter of W. Bingham³]

The Board of Treasury to whom was referred a Letter from the Hon^{ble} M^r Bingham of the 21st March 1787.

Beg leave to Report,

That the Memorialist States, “that during his residence in the Island of Martinico, as Political and Commercial Agent of the United States, he received from the Government of that Island, sundry Advances, for which he became personally responsible; and that in

¹ *Journals*, vol. XXIV, pp. 497-498.

² *Journals*, vol. XXIX, pp. 521-522.

³ *Papers of the Continental Congress*, No. 138, I, pp. 119-120, read March 26, 1787. See March 21, 1787.

consequence it becomes necessary to transfer a Credit on the Books of the Treasury, for the amount of the Balance due on the above Advances.

“That a particular mode of Certifying this Evidence of Credit is required and that he therefore sollicit that the Comptroller of the Treasury may be authorised to grant such a Certificate for the same as should be agreeable to the French Government.”

On the above application the Board beg leave to Report,

That the Balance stated to be due to the Government of the Island of Martinico, has been included in M^r Bingham's Public Accounts, and discharged by the United States, who are therefore, in no wise responsible for the same.

That the mode of Certifying the Balance due by M^r Bingham, to the Government of the Island of Martinico, would create a Debt, the Principal and Interest of which, would be payable in a Foreign Country; and that it would therefore be improper, on a private Application, and for purposes not of a Public nature, to Transfer any part of the Domestic Debt of the United States, in such a manner as to make the Capital and Interest accruing on it, demandable abroad.

Under the above Circumstances the Board beg leave to suggest, that it would not be expedient to comply with the Application referred to them.

All which is humbly Submitted.

March 24th 1787.

SAMUEL OSGOOD
WALTER LIVINGSTON

[Report of Board of Treasury on memorial of T. Machin ¹]

The Board of Treasury to whom was referred the Memorial of Captain Thomas Machin late an Engineer in the Service of the United States,

Beg leave to Report,

That it appears to this Board from the Report of the Commissioner of Army Accounts, that Captain Machin received of Colonel Lamb, on the 23^d of September 1777, the Sum of Two hundred Dollars; and, that on the 6th of October following, when Fort Montgomery was taken by Assault, he lost his Baggage and all his Clothing, excepting what was on his person at the time the Fort was taken.

¹ *Papers of the Continental Congress*, No. 138, II, pp. 69-71, read March 26, 1787. See February 26 and April 10, 1787.

That Captain Machin has accounted with the Commissioner of Army Accounts for all the Public Monies that went through his hands; and that it does not appear in his Settlement, that he made any payment betwixt the time he received this Money, and the loss of his Baggage, excepting the Sum of Forty Dollars, which he disbursed on the 2^d October 1777.

That Captain Machin states, that the difference betwixt the Sum he received and what he disbursed, must have been lost with his Baggage; and that from the Character of that Officer and the circumstances above stated, there is every reason to suppose that he actually sustained this loss, in the manner abovementioned.

The Board therefore submit to the consideration of Congress the following Resolve,

That in the Settlement of the Accounts of Captain Thomas Machin, he be allowed by the Commissioner of Army Accounts, the Sum of One hundred and sixty Dollars; which Sum appears to have been lost with his Baggage at the taking of Fort Montgomery; provided that the attestation, usual in such cases, be made by Captain Machin, previous to the above Sum being past to his Credit.

With respect to Captain Machin's claim for depreciation of his Pay whilst acting as an Engineer, prior to the 10th day of August 1780, at which time he was in the Service of the United States, The Board beg leave to observe, That the Resolve ¹ of Congress of the 21st February 1783, having referred it to the several States to adjust and discharge, on account of the United States, any deficiency of Pay which might be due to Officers of the late Line of the Army, acting in the general Staff Departments, it would be improper, in the opinion of this Board, to adopt any special Resolve in the case of the Memorialist.

All which is humbly submitted.

SAMUEL OSGOOD

March 23^d 1787.

WALTER LIVINGSTON.²

TUESDAY, MARCH 27, 1787.

Congress assembled present Massachusetts, Connecticut New York New Jersey, Pensylvania and Delaware and Virginia.

¹ *Journals*, vol. XXIV, p. 144.

² MARCH 26, 1787. According to indorsement was read a letter of Joseph Martin to Charles Thomson, January 5, 1787, informing on the disturbances and unrest of the Western Indians. *Papers of the Continental Congress*, No. 56, pp. 185-187.

[Report of Secretary of Congress on petition of H. Ringlispeur¹]

SECRETARY'S OFFICE 27 March 1787

On the petition of Henry Ringlispeur, stating that he was a soldier inlisted for the war, and was transferred from his regiment to wait upon major gen^l Lord Stirling whom he served till his lordship's decease, that he has not been settled with for his pay and is now excluded from a settlement by a resolution limiting the time for bringing in claims; and praying for relief.

The Secretary reports

Passed
27 March That the petition of Henry Ringlispeur be referred to the board of treasury to report.²

WEDNESDAY, MARCH 28, 1787.

Congress assembled. Present Massachusetts, Connecticut New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina and Georgia and from Rhode island M^r [James Mitchel] Varnum and from South Carolina M^r [Daniel] Huger.

The Delegates of New Jersey having moved³ as follows

Whereas the legislature of New Jersey did by their resolution of the 23 of Nov^r last empower his Excellency governor Livingston to apply to Congress for the loan of five brass field pieces for the use of the said state; and whereas the Governor of the said state in pursuance of the aforementioned resolu-

¹ *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, p. 51. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 142, this petition was referred to the Board of Treasury to report.

² MARCH 27, 1787. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 142, the following committee was appointed:

Mr. Abraham Clark, Mr. Rufus King and Mr. William Pierce on memorial of John Porter, who was dismissed by court martial, dated March 26, 1787, read March 27, praying to be reinstated so as to receive emoluments. *Papers of the Continental Congress*, No. 41, VIII, pp. 218-219. Report rendered April 10, 1787, and postponed May 22, 1788.

³ The original motion, in the writing of Mr. Lambert Cadwallader, is in the *Papers of the Continental Congress*, No. 36, III, pp. 341-342. It is indorsed March 28, 1787, question taken and lost.

tion has written to the delegates of New Jersey to apply to the United States in Congress assembled for the same, the said delegates in conformity with the governor's request submit the following resolutions. 1. That the secretary at War deliver to the order of Governor Livingston from the arsenals of the United States five brass field pieces three or four pounders for the use of the state of New Jersey for the return of which when demanded by Congress the governor of the said state shall be personally responsible and also for their value in case of damage or loss unless they should not be demanded before a war between the United States and any other power and they happen to be lost in an engagement with the enemy in which case their loss shall be deemed a national loss. 2. That the Secretary at War take a receipt of governor Livingston for the said artillery expressing the governor's personal responsibility for their return on the terms and conditions mentioned in the foregoing resolution".

A motion was made by M^r [Melancton] Smith seconded by M^r [William] Pierce to postpone the consideration of the above motion in order to take up the following

"That however desirous Congress may be on every occasion to comply with the request of the state of New Jersey, they cannot with a due regard for the public safety establish a precedent for dispersing the field artillery or military stores of the United States by loaning the same to individual states; but earnestly recommend it to every state not supplied with such artillery or stores to procure them without delay pursuant to the sixth article of the Confederation".

And on the question to postpone for the purpose above mentioned the yeas and nays being required by M^r [Melancton] Smith

<i>Massachusetts</i>		<i>Delaware</i>	
M ^r King	ay	M ^r N. Mitchell	no
M ^r Dane	ay	M ^r Kearny	no
<i>Rhode island</i>		<i>Virginia</i>	
M ^r Varnum	no *	M ^r Grayson	ay
<i>Connecticut</i>		M ^r Carrington	ay
M ^r Johnson	ay	M ^r Madison	ay
M ^r S. M. Mitchell	ay	<i>North Carolina</i>	
<i>New York</i>		M ^r Blount	ay
M ^r Smith	ay	M ^r Hawkins	ay
M ^r Haring	ay	M ^r Ashe	ay
<i>New Jersey</i>		<i>South Carolina</i>	
M ^r Cadwallader	no	M ^r Huger	ay *
M ^r Clarke	no	<i>Georgia</i>	
M ^r Schurman	no	M ^r Few	no
<i>Pennsylvania</i>		M ^r Pierce	ay
M ^r S ^t Clair	ay		
M ^r Irwine	ay		

So the question was lost.

A question being then taken to agree to the motion of the delegates of New Jersey, the same was lost.

[Motion of Mr. Irvine on sale of public buildings ¹]

Resolved that the Board of Treasury be and they are hereby authorised and directed to dispose of for Specie or public Securities, such of the public buildings, at Carlisle in Pennsylvania, as in the opinion of the Secretary at War are no longer necessary to be occupied by the United States, either by public or private sale as in the Judgment of the board may be most advantageous on the best terms that can be obtained.

¹ *Papers of the Continental Congress*, No. 20, II, p. 185, in the writing of Mr. William Irvine. See below this same day for committee appointed on this motion. See July 20 and October 17, 1787.

[Report of Board of Treasury on memorial of Willing, Morris and Swanwick ¹]

The Board of Treasury to whom was referred the Letter² of Mess^{rs} Willing, Morris, and Swanwick, of the 4th of August 1785,

Beg leave to Report,

That the Comptroller of the Treasury in his Letters³ to his Excellency the President of Congress of the 14th and 19th January, 1785, has stated the facts, on which the application made in this Letter is founded, to which Letters (being in the Office of the Secretary of Congress) the Board beg leave to refer.

On the above statement it appears to the Board, that the Memorialists have no Claim against the United States for the value of the Counterfeit Certificates (which they purchased through mistake) and Registered in the Books of the Treasury; since no error of a Public Officer in admitting an improper Credit, can make the United States chargeable therewith, when the same is discovered.

That in the instance on which the application is grounded, the Forgery was of a nature so extraordinary, and so difficult of detection, that the Officers of the Treasury, are not justly chargeable with inattention in not discerning the same, since at that period, no suspicion existed of such Certificates being Counterfeited; neither were the Registers of the same printed to enable the Officers to check them when presented at the Treasury.

They therefore beg leave to Report to Congress the following Resolve,

That the Application of Mess^{rs} Willing, Morris, and Swanwick, for a reimbursement of a loss stated to be by them sustained on sundry Counterfeit Certificates issued by the Commissioner of Army Accounts, and Registered through mistake on the Books of the Treasury,

¹ *Papers of the Continental Congress*, No. 138, II, pp. 557-558, read March 28, 1787.

² See *Journals*, vol. XXIX, p. 650 n.

³ See *Journals*, vol. XXVIII, p. 12 n.

cannot be complied with; the Memorialists having on that account no Claim whatsoever against the United States.

All which is Submitted.

March 27th 1787.

SAMUEL OSGOOD

WALTER LIVINGSTON ¹

THURSDAY, MARCH 29, 1787.

Congress assembled present as yesterday.

[Motion on ordinance for settling accounts ²]

Resolved that the ordinance³ of the 13th of Oct last be repealed, and that the Board of Treasury report an Ordinance for the expeditious and equitable settlement of the accounts between the U S and the individual States.

¹ MARCH 28, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 142 the following committee was appointed:

Mr. James Mitchel Varnum, Mr. Edward Carrington, Mr. Rufus King, Mr. William Few and Mr. James Madison on motions respecting troops to be raised, the Western posts and the sale of buildings at Carlisle. A report on the troops was rendered April 4, and the committee was renewed July 20, 1787.

According to indorsement a memorial of Benjamin Stelle, February 14, 1787, respecting settlement of his accounts, was read and referred to the Board of Treasury to report. *Papers of the Continental Congress*, No. 41, IX, pp. 435-437, with eight supporting documents on pp. 439-459. Report rendered May 2, 1787. Cf. *Committee Book*, p. 142.

Also there was laid before Congress an Act of the Council of Virginia relative to G. R. Clarke and affairs in the Western territory with accompanying papers. *Papers of the Continental Congress*, No. 71, II, p. 491 ff. See March 30 and April 13, 1787, where the documents are entered in the *Secret Journal, Foreign Affairs*.

² *Papers of the Continental Congress*, No. 36, III, p. 351, in the writing of Mr. Rufus King. Referred to the Board of Treasury to report. Report rendered April 18, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 137, the committee of February 15 on this subject was discharged. See May 4 and 7, 1787.

³ *Journals*, vol. XXXI, pp. 779-781.

[Report of Secretary for Foreign Affairs on commissions of P. Bond ¹]

OFFICE FOR FOREIGN AFFAIRS

28th March 1787

The Secretary of the United States for the Department of foreign Affairs, to whom was referred his Letter of 8th December last to his Excell^y the President with two Commissions from his britannic Majesty dated the 5th Day of April last, the one constituting Phineas Bond Esq^r his Consul for New York, New Jersey, Pensylvania, Delaware and Maryland, the other constituting him his Majesty's Commissary for commercial Affairs throughout the United States

Reports

That as his britannic Majesty has no Treaty of Commerce with the United States, the Admission of his Consuls and Commissaries by them, is Matter of Favor and not of Right, and therefore that the Propriety of granting it must turn on Considerations of Expediency.

Your Secretary perceives one Objection which operates against the Admission both of the Consul and Commissary in Question, Viz^t That it will add to the Number of official Foreigners in this County, who considering the present State of our Commerce serve too much to watch and to circumscribe it.

How far Britain may have a Right to expect this Mark of Respect and Civility from the United States, is a Question; respecting which Prejudices rather too strong, and Opinions not sufficient examined, seem to be entertained by many of our Citizens. Your Secretary has (he thinks with Candor and Impartiality) investigated the causes of the Complaints subsisting between the two Countries, and he would not be candid were he not to confess that in his Opinion Britain has more Reason to complain of the United States than the United States of Britain since the Peace. He is happy in the Reflection that he serves a Government to whom he can reveal this Opinion without Offence, and only regrets that Facts oblige him to entertain it.

When he considers that it is in the Interest of this Country to be on good Terms with Britain, and how little Advantage can result from cherishing the Irritation which subsists between them, he thinks it would be wise to avoid Asperities, and by some Acts of good Humor on our part cultivate the like Disposition on theirs.

¹ *Papers of the Continental Congress*, No. 81, III, pp. 201-207, read March 29, 1787. Passed May 3. See February 3 and 5, 1787.

He finds that all our commercial Treaties provide for the Reception both of Consuls and Commissaries &c^s by express Articles. The french one adds these Words "*whose Functions shall be regulated by a particular Agreement*". The Dutch one adds these Words "*whose Functions shall be regulated by particular Agreements, when either Party chooses to make such Appointments*". The Swedish one adds these Words "*whose Functions shall be regulated by a particular Convention*". The Prussian one adds these Words "*whose Functions shall be regulated by particular Agreement whenever either Party shall choose to make such Appointment.*"

Your Secretary conceives that according to the true Sense and Construction of all these Treaties and Articles, the United States are not bound to receive any Consuls or Commissaries until after their Powers shall have been ascertained by Agreement.

Although the United States have already received Consuls without such previous Agreement and thereby set a Precedent for receiving more, yet they have not received a single Commissary, and therefore may with Propriety refuse to receive any without such previous and preparatory Convention. And in the Opinion of your Secretary it will be best not to receive any Commissaries from any Nation on other Terms.

If those Ideas should be approved then he thinks it would be well to Resolve as follows

Whereas Phineas Bond Esq^r has presented to the United States in Congress assembled a Commission in due Form bearing Date the 5th April 1786 from his britannic Majesty constituting and appointing him the Consul of his said Majesty in the States of New York, New Jersey, Pennsylvania, Delaware and Maryland, and although no commercial Treaty or Convention subsists between his Majesty and the United States, whereby either have a perfect Right to establish Consuls or Commissaries in the Dominions of the other, Yet as the United States are disposed by every proper Mark of Liberality and Attention to promote a good Correspondence between the two Countries, and particularly as amicable Negotiations are now depending between them, Therefore

Resolved that the said Phineas Bond Esq. be and he hereby is received and recognized as the Consul of his britannic Majesty through-

out the States of New York, New Jersey, Pennsylvania, Delaware and Maryland, and that his Commission be registered in the Secretary's Office.

Resolved that all the Privileges, Pre-eminences and Authority which the Laws of Nations and of the Land give to a Consul received by the United States from any Nation with whom they have no commercial Treaty or Convention, are due to and shall be enjoyed by the said Phineas Bond as Consul for the five States abovementioned, and that certified Copies of these Resolutions be transmitted to the Executives of the said five States for their Information.

With Respect to M^r Bonds other Commission constituting him a Commissary for commercial Affairs, your Secretary observes that Commissions of this kind are not usual. That the precise Limits of the Authority conferred by it are not easy to ascertain, that the Power it gives him in these Words, *Viz: "to protect our Merchants and others our Subjects trading to or residing in the said States, or that may have Pretensions depending therein"* is a Power that seems to place him in the Capacity of a Minister in those Respects, and in the Exercise of which it is not improbable that he will make official Applications to Congress. Your Secretary suspects that this Appointment was made to supply in some Sort the place of a Minister; and in his Opinion it will be most prudent not to let it take Effect.

He thinks it would be advisable for your Secretary to write the following Letter to M^r Adams on the Subject.

SIR, In Obedience to the Orders of Congress I have the Honor of informing you, that Phineas Bond Esq^r has presented to Congress a Commission from his britannic Majesty, constituting him Commissary for all commercial Affairs within the United States, and another Commission constituting him Consul for the States of New York, New Jersey, Pennsylvania, Delaware and Maryland.

Congress being desirous on this and every other Occasion to manifest their Disposition, to cultivate a friendly Correspondence with Great Britain, have received M^r Bond in his latter Capacity, although no Treaty or Convention subsists between the two Countries, whereby either have a Right to establish Consuls in the Dominions of the other.

As yet Congress have not received any Commissaries for commercial Affairs, and they think it most prudent not to receive them from any Nation, until their Powers shall have been previously ascertained

by Agreement; lest as those Appointments are seldom made, and both Parties may not have precisely the same Ideas of the Extent of the Powers and Privileges annexed to them, disagreeable Questions and Discussions might and probably would otherwise take place on those delicate Subjects.

You will be pleased to submit these Reasons to his Majesty, and to assure him that Congress regret the Objections which oppose their complying with his Wishes in this Instance, but that they are ready to join with his Majesty in such Agreements or Conventions as may be necessary to remove them, and which may also tend to promote and establish a friendly and satisfactory commercial Intercourse between the two Countries.

All which is submitted to the Wisdom of Congress,

JOHN JAY

[Report of Secretary for Foreign Affairs on letter of U. Forrest ¹]

OFFICE FOR FOREIGN AFFAIRS

29th March 1787

The Secretary of the United States for the Department of foreign Affairs to whom was referred a Letter of the 10th March 1787 from the Honorable Uriah Forrest Esq^r to his Excellency the President of Congress

Reports

That this Letter is in these Words Viz^t

“SIR: I intend to embark for Europe in a few Weeks. Our House in London which until lately was under my own immediate Management, is now in the Direction of one of my Partners, who went for the Purpose; yet I shall find it convenient during my Absence abroad (which will be for a considerable Time) to reside chiefly in England. Whilst in that Country I have in a variety of Instances seen and indeed sometimes felt the Necessity of a commercial Agent or Consul. If I should so far possess the Confidence of Congress as to obtain the Appointment of Consul General to that Kingdom I should feel much gratified.

I have the Honor to be &^{ca}

(signed) URIAH FORREST

New York 10 March 1787.

¹ *Papers of the Continental Congress*, No. 81, III, pp. 209–211, read March 29, 1787. See March 12, 1787.

On the 13th October 1785 your Secretary made a Report ¹ on the Subject of Consuls, in which was this Paragraph Viz²

“That it would be expedient to vest the Minister of the United States at the Court of London with the Powers of a Consul General for Britain and her adjacent Islands, but as the Government of that Country is administered according to fixed Laws, which as well as their Language and Customs are well known to the People of America, your Secretary thinks there can be but little Use for Consuls in any of their Ports, at least before we have a Treaty of Commerce with them. But lest he should be mistaken in this Opinion, and that Consuls would *now* be useful, he is inclined to think it would be sufficient to place them at *London* and *Bristol* in England, and at *Dublin* and *Cork* in Ireland, as to Scotland he cannot judge whether any should be sent there, or if any, to what Ports in preference to others, the far greater part of the american Trade to Scotland being carried on in british Vessels.

In another Report ² on the same Subject made 19th September 1785 was this Paragraph Viz³

“As Appeals should lay from Consuls to the Consul General, the latter should be independent and *unconcerned in Trade*, and consequently receive an adequate Salary; and although it would be better that Consuls should be maintained and restrained in like Manner, yet as the Expence would be enormous, it will be necessary to permit them to trade and receive no Salaries.

On attentively considering these two Paragraphs he finds that he cannot report any Thing in the present Case but what they already comprize, except that he has never had Reason to entertain the least Doubt of the Merit of the Gentleman in Question.

All which is submitted to the Wisdom of Congress.

JOHN JAY ³

¹ *Journals*, vol. XXIX, p. 832.

² *Journals*, vol. XXIX, pp. 722-724.

³ MARCH 29, 1787. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 142, the following committee was appointed:

Mr. William Irvine, Mr. James Madison and Mr. Abraham Clark on a memorial of the Inhabitants of Cahokia, (Illinois papers) July 15, 1786, regarding lands taken by Gibault, Clark and Penticoste. Original French signed by J. B. La Croix and seven others with English translation. *Papers of the Continental Congress*, No. 48, pp. 37-40, 41-45. Queries by the committee and answers by Gabriel Ceré are on pp. 49-52, copy of part of a letter of Colonel Penticoste to La Croix on p. 55-57 and a copy of the power of attorney given by the Seminary

FRIDAY, MARCH 30, 1787.

Congress assembled present as before.

¹ *Ordered* That the papers presented by the Delegates of North Carolina, touching Goods seized at the Natches, and also papers transmitted by the Executive of Virginia and laid before Congress by the Delegates of that State the 28, be referred to the Secretary for foreign Affairs to report.²

[Paper of delegates of North Carolina³]

The undersigned Delegates in Obedience to the command of the State of North Carolina have the honour to lay before Congress, the papers herein after mentioned: to the end that the United States in Congress assembled may take such order thereon as the information may justify.

of Québec to Pierre Gibault (French with English translation) on pp. 29-35. The indorsement is on this last document and not on the memorial. On April 18 Mr. Nathan Dane replaced Mr. Irvine on the committee, which reported May 7. Also the papers from the Governor of Virginia were referred to this committee but it was discharged of them on March 30, 1787.

According to indorsement the following were read:

Letter of Eben Hazard to the President of Congress, March 29, 1787, transmitting an extract of a letter from Newport, informing of a change in the Rhode Island charter, a refusal of the State to send delegates to the convention to be held at Philadelphia, and difficulties regarding State mail. *Papers of the Continental Congress*, No. 61, pp. 303 and 307.

Petition of Elizabeth Gaudin, March 7, 1787, for prize money and wages of her husband. *Papers of the Continental Congress*, No. 42, III, pp. 301-303. See March 30, 1787.

Memorial of the clerks in the offices of the Civil list, March 28, 1787, regarding the reduction of salaries. *Papers of the Continental Congress*, No. 41, II, p. 358-359. See March 30, 1787.

According to the *Despatch Book*, *Papers of the Continental Congress*, No. 185, IV, p. 7 was received (read):

Memorial of Isaac Milcher and Samuel Judah, respecting lands in the Western territory. *Papers of the Continental Congress*, No. 41, VI, pp. 481-482.

¹ The entry from this point is by Benjamin Bankson in *Secret Journal, Foreign Affairs*, *Papers of the Continental Congress*, No. 5, III, p. 1564.

² This order was entered in the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 143. Report rendered April 13, 1787.

³ *Papers of the Continental Congress*, No. 72, p. 269, read March 30, 1787. The five enclosures are on pp. 273, 281, 283, 285-286, and 277-278.

N^o 1. A letter of the 15th of Nov^r 1786 from Thomas Amis to the Governor of North Carolina with papers enclosed respecting the seizure and confiscation of sundry articles of Merchandize his property; for the use of the Crown of Spain at Fort Natches on the Mississippi; Obviously within the Dominion of the United States.

2 The deposition of Thomas Amis.

3 A certificate of the Merchandize, from the Spanish officer who received the same.

4 A passport from the Commandant of Fort Natches expressive of the gentlemanly and honourable behaviour of M^r Amis during his stay at the Natches.

To this information the delegates have thought proper to subjoin the extract of a letter N^o 5. from a representative of Davidson County in the general assembly of North Carolina, directed to the hon^{ble} William Blount and Benjamin Hawkins.

W^m BLOUNT
BENJAMIN HAWKINS
JOHN B. ASHE

Congress chamber the 29th March, 1787.

[Report of Secretary of Congress on sundry petitions¹]

OFFICE OF SECRETARY OF CONGRESS

March 30, 1787

On the petition of Elizabeth Gaudin² stating that her husband entered into the continental service in October 1775 on board one of the vessels of the squadron commanded by commodore Hopkins, that he was slain in battle, that sundry prizes were taken and that she has never rec^d any part thereof,

The Sec^y of Congress reports that

Agreed to The petition of Elizabeth Gaudin be referred to the commissioner for settling the marine Acco^{ts} to report.³

On the memorial of the clerks⁴ stating their situation and circumstances and the difficulties to which they will be reduced by the deduction to be made from their salaries

¹ *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, pp. 52-53.

² See March 29, 1787.

³ According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 143, the petition was referred as indicated. Report rendered April 3, 1787.

⁴ See March 29, 1787.

The Secretary of Congress reports,
 rejected That the petition of the clerks in the several Offices
 of the civil list department be referred to a committee.¹

MONDAY, APRIL 2, 1787.

Congress assembled present Massachusetts Connecticut
 New York Pennsylvania Delaware Virginia North Carolina
 and Georgia and from Rhode island M^r [James Mitchel]
 Varnum.

[Letter of Board of Treasury transmitting estimate²]

BOARD OF TREASURY

April 2^d 1787.

SIR: In obedience to the Act of Congress of the 5th February last,
 We have the Honor of transmitting to Your Excellency, the Estimate
 of the present Year. The Expences of the Civil List are (as nearly
 as can be ascertained) reduced in conformity to the Act of Congress
 of the 23^d March last.

¹ MARCH 30, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 143, a letter of John Pierce, March 29, 1787, respecting final settlement of certificates was referred to the Board of Treasury to report.

According to indorsement was read:

Letter of Duncan Campbell to the President of Congress, March 9, 1787.
Papers of the Continental Congress, No. 42, II, pp. 257-259.

² *Papers of the Continental Congress*, No. 140, II, pp. 399-401. The estimates are in *Papers of the Continental Congress*, No. 141, II, as follows: Estimate of monies requisite for the Services of the Year 1787, signed by Samuel Osgood and Walter Livingston, April 2, 1787, pp. 161-162; with the accompanying statements: No. 1, Estimate of the Expenditure of the Civil Departments of the United States for the Year 1787, signed by Joseph Nourse, Registrar, March 31, 1787, pp. 165-167; no. 2, General Estimate of Monies requisite for the War department 1787, signed by H. Knox, February 17, 1787, pp. 175-178; no. 3, Expenditures under the General Head of Contingencies 1786 signed by Joseph Nourse, January 1, 1787, pp. 183-185; no. 4, Estimate of the Expences of the Geographers Department for the Year 1787, signed by Thos. Hutchins, March 14, 1787, p. 179; and no. 5, Statement of the Liquidated and Loan Office Debt of the United States to 31st December 1786, signed by Joseph Nourse, March 31, 1787, pp. 186-187. There is another Estimate of the Expenditures of the United States for the Civil Departments for the Year 1787, dated February 27, 1787, on pp. 169-174. See May 3 and July 14, 1787.

Your Excellency will be pleased to observe that the Interest and Installments of the Principal which will be due on the Foreign Debt, for the Year 1788, are included in the Estimate; though the Resolve of Congress directing the Estimate, appears to have only in view, so much of the Interest and Principal of the Foreign Debt, as will be actually payable in the present Year. The Sums necessary for this object were called for by the Requisition of the 2^d August 1786; and for the reasons at that time stated, we have included in the present Estimate what would be requisite for the Year 1788. Should it be the intention of Congress not to require any part of the Interest or Principal of the Foreign Debt, in the present Requisition (the actual Sum payable in this Year having been already called for) the Quota of Specie required by the enclosed Estimate will be diminished 880,322. 87/90 Dollars.

This Estimate though formed with attention is not yet as complete as we could wish, from the impracticability of ascertaining with any degree of precision, the amount of the Annual Pensions which will become due to Invalids, in pursuance of the Act¹ of Congress of the 7th June 1785. No State has hitherto settled any Accounts at the Treasury under that head, except the State of Pennsylvania; and from the mode of their Statement, the Officers of the Treasury have Reported, that they do not shew the Annual amount of the Invalid Pensions paid by that State.

It appears however by a Report of the Comptroller of the State of Pennsylvania to a Committee of the Legislature that, he supposes the Annual Amount of Invalid Pensions to be paid by Pennsylvania will be £4,700. that Currency, equal to 12,533 30/90th Dollars; On this datum (the only one within our power) we have Estimated the aggregate Sum necessary for that object, at Eighty eight thousand Dollars.

We have the honor to be, etc.,

SAMUEL OSGOOD
WALTER LIVINGSTON²

His Excell^y

THE PRESIDENT OF CONGRESS.

¹ *Journals*, vol. XXVIII, pp. 435-437.

² APRIL 2, 1787. According to indorsement was read a memorial of William Mumford and Joshua Dawson, March 26, 1787, praying for reimbursement for travelling expenses. *Papers of the Continental Congress*, No. 41, VI, p. 485. See April 3, 1787.

TUESDAY, APRIL 3, 1787.

Congress assembled present as yesterday.

[Report of Secretary of Congress on sundry memorials¹]

OFFICE OF SECRETARY OF CONGRESS

30 March 1787

On the Letter of the 9th from Duncan Campbell,² a Canadian refugee and late a captⁿ in the service of the U S. stating his services, the advances he has made for the United States on assurances of speedy repayment in specie, and his great want of money to support his family,

The Secretary reports

That in consequence of a former memorial from the said Duncan Campbell and a report of the Commissioner of Army Acco^{ts} thereon; the United States in Congress Assembled, were pleased to resolve³ on the 19th of Sept 1786 "That the Commissioner of Army Accounts settle with and allow Duncan Campbell 277 dollars for bounty money advanced to fifty four recruits by order of general Arnold and for arms, blankets and other things furnished the said recruits." That the object of the present letter is to obtain an Order for the immediate payment of the above sum or such balance as the Com^r of Army Accounts may have found due to him; That a number of applications grounded on similar pleas have been referred referred to the board of treasury who have uniformly reported, that the present state of the public treasury does not admit of such payments. The Secretary therefore reports That the letter of Duncan Campbell be filed

agreed to That the letter of Duncan Campbell be referred to the board of treasury to report.⁴

April 2, 1787

On the memorial of William Mumford and Joshua Dawson Clerks in the Com^r Office for liquidating the Accounts of the United States with Pennsylvania, stating the expences they have incurred, by the

¹ Reports of Secretary of Congress, Papers of the Continental Congress, No. 180, p. 53.

² See March 30, 1787.

³ Journals, vol. XXXI, p. 668.

⁴ The reference of the letter as indicated is noted in the Committee Book, Papers of the Continental Congress, No. 190, p. 143.

removal of the Office from County to County and praying for a disbursement or such allowance as Congress shall think just and reasonable,

The Sec^y of Congress reports
 Agreed to That the petition of W^m Mumford and Joshua Dawson be referred¹ to the board of treasury to report.²

WEDNESDAY, APRIL 4, 1787.

Congress assembled present Massachusetts, Connecticut New York New Jersey, Pensylvania Delaware Virginia, North Carolina and Georgia and from Rhode island M^r [James Mitchel] Varnum and from S[outh] Carolina M^r [Daniel] Huger.

On motion of M^r [William] Pierce seconded by M^r [William] Few

Ordered³ That the Secretary for foreign Affairs give information of the state of his negotiations with the Encargado de negocios of his Catholie Majesty and that an actual state of that business be laid before Congress:

Ordered That the Secretary for Foreign Affairs give information to Congress of the State of his Negotiation with the Encargado de Negocios of Spain, and that an actual State of that business be laid before Congress.

¹ According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 143, the petition was referred as indicated. Report rendered April 5, 1787.

² APRIL 3, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 143, the following was referred to the Board of Treasury to report:

Claim for monies advanced by Pennsylvania for expenses of Scotosh.

Also according to the *Committee Book*, Benjamin Walker, Commissioner for Marine Accounts, reported on the petition of Elizabeth Gaudin. *Papers of the Continental Congress*, No. 31, pp. 163-167. See March 30, 1787.

³ This order with slight verbal variations is entered also by Benjamin Bankson in *Secret Journal, Foreign Affairs, Papers of the Continental Congress*, No. 5, III, p. 1565, and by Thomson in the *Committee Book, Papers of the Continental Congress*, No. 190, p. 143. The original motion, in the writing of Mr. William Pierce, is in *Papers of the Continental Congress*, No. 36, III, p. 337. Report rendered April 12, 1787.

[Report of committee on troops to be raised ¹]

The Committee [consisting of Mr. James Mitchel Varnum, Mr. Edward Carrington, Mr. Rufus King, Mr. William Few and Mr. James Madison] appointed to take into consideration the present military establishment of the United States, and to report such reform in the same as may be consistent with the present and probable condition of the United States,

Report That however important to the interests and dignity of the United States the military establishment directed by the acts of Congress of the 20th of October 1786 may be, yet as the states respectively have not complied with the requisition of Congress specially made for the support of the said establishment excepting the state of Virginia, and as Congress are unable to devise any other means for the maintenance of the same, it is therefore necessary that the troops therein directed should be reduced to a number more conformable to the existing finances of the Union.

On these considerations, Your Committee submit the following Resolution,

Resolved, That the Act of Congress of ²the 20th of October 1786 for augmenting the troops of the United States to the number of two thousand and forty non commissioned officers and privates be, and the same is hereby repealed.

That the troops already enlisted in consequence of the aforesaid resolve of the 20th of October, in the States of Massachusetts, Connecticut and Virginia together with the troops who were in service previously to the said resolve [Act] be completed to the number of one thousand and twenty non commissioned officers and privates. [retained conformably to the terms of their enlistments.]

That the Secretary at War arrange the said troops with a proper proportion of Officers as follows, Viz: [and give immediate orders to for]

One Regiment of Infantry of three battalions, four companies to form a battalion, and sixty non-commissioned officers and privates a company.

One battalion of Artillery of four companies each company the same number as the infantry.

¹ *Papers of the Continental Congress*, No. 30, pp. 409-412, read April 4, 1787. Order of the day for April 5 and passed April 9, See March 28, 1787.

² *Journals*, vol. XXXI, pp. 892-893.

One troop of Cavalry of sixty non-commissioned officers and dragoons.

That as the recruiting service has not commenced in the states of New Hampshire and Rhode Island, the commissioned officers appointed by the said States be deranged.

That the field Officers appointed by the States of Massachusetts and Connecticut be deranged, excepting the senior Major appointed by Massachusetts and that all other officers in the said states be also deranged excepting the senior company officers of each grade necessary to command the companies which shall be directed to be formed by the Secretary at War.

That the executive authority of the State of Maryland be informed, that it is unnecessary for that state to raise the troop of Cavalry directed by the resolve of the 20th of October.

That the Secretary at War transmit to the commanding officers who shall be deranged by virtue of these resolves the thanks of Congress for the Zeal alacrity manifested by them to promote the service of their country.

That the Board of Treasury devise and execute a plan for the payment of the officers deranged, and also for the payment of the arrearages due the troops on the Ohio to the 1st of January 1787.

THURSDAY, APRIL 5, 1787.

Congress assembled present as before.

[Report of Board of Treasury on memorial of W. Mumford and J. Dawson ¹]

The Board of Treasury to whom was referred the Memorial of William Mumford and Joshua Dawson, Clerks to Benjamin Stelle late Commissioners for Settling Accounts against the United States in the State of Pennsylvania,

Beg leave to Report,

That the said Clerks state, that they entered upon the duties of their Station, under the idea that the Office would be permanent and fixed in Philadelphia; That the Office being removed into the different Counties of the State, put them to an additional Expence of

¹ *Papers of the Continental Congress*, No. 138, II, pp. 185-186, read and passed April 5, 1787. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 345. See April 2 and 3, 1787.

purchasing Horses, which with their keeping, loss by their Sale, and lodging in Taverns, has brought upon them a burthen, which they are unable to bear.

That M^r Stelle has Certified the above to be a true State of facts.

On the above Statement the Board beg leave to observe, that admitting the necessity of the Expences, as alledged in the Memorial (which cannot in their opinion be supposed) the Memorialists entered into and continued in the Public Service, under an express Contract, against which (till the termination of the same) they never express an objection.

That to encrease the Allowance of the Applicants, would in fact be an act of bounty, and not of justice; and that the present state of the Finances preclude, in the opinion of the Board, any further Grants of Money, except on objects, where the National Character, or Interest, may be materially involved.

Whereupon the Board beg leave to Report,

That the Memorialists should be informed, that the Prayer of their Memorial, cannot be complied with.

All which is humbly Submitted.

SAMUEL OSGOOD

WALTER LIVINGSTON

April 5th 1787.

On a report of the board of treasury to whom was referred a memorial of William Mumford and Joshua Dawson clerks to Benjamin Stelle late commissioner for adjusting the accounts of the State of Pennsylvania

Ordered That the memorialists be informed that the prayer of their memorial cannot be complied with.

[Report of Board of Treasury on plan for selling lands ¹]

The Board of Treasury to whom it was referred to Report a Plan for Selling for Public Securities, the Townships Surveyed in the Western Territory,

Beg leave to Observe,

¹ *Papers of the Continental Congress*, No. 139, pp. 467-470, read April 5, 1787. Passed April 21, 1787. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 343. See March 20, 1787.

That agreeably to the Ordinance¹ of the 20th May 1785, no Distribution or Sale of Lands can be made until seven Ranges shall have been completely Surveyed, and a Return made of the Surveys.

That the Geographer of the United States has lodged with the Board of Treasury, Surveys and Plats of Four Ranges of Townships, and fractional parts of Townships.

That the Surveys of the said four Ranges, do not extend half thro' the same from South to North.

That the Townships, and fractional parts of Townships already Surveyed, are twenty six, amounting by a Calculation of the Geographer to 675,000 Acres.

That one seventh part is allotted to the late Army, which is 96,428 Acres, leaving 578,572 Acres to be disposed of by the United States.

That by the Ordinance aforesaid, the Board of Treasury are to have the original Surveys and Plats entered in a Book to be kept for that purpose, and also to send Copies of the same to the several Loan Officers; which with that to be entered in the Book to be kept by the Board, will make fourteen Copies of the same Surveys and Plats, which will create more Expence and delay than is probably expedient in the present state of the Public Affairs.

That considering the Surveyors have already been employed two Years, it is not probable that in the course of another, they will have completely Surveyed the first Seven Ranges.

From the foregoing considerations it has become expedient in the Opinion of the Board, so far to alter the Ordinance, (as to the Lands already Surveyed) as it respects to their distribution to the several States; the Sale of the same by the Commissioners of the Loan Offices, and the Inhibition of any Sale 'till seven Ranges are completely Surveyed.

For this purpose they submit to the consideration of Congress, the following Resolves,

That after the Secretary at War shall have drawn for the proportionate quantity of the Lands already Surveyed, which were assigned to the late Army, agreeably to the Ordinance of the 20th May 1785, the remainder shall be Advertised for Sale in one of the News Papers at least, of each of the States, for the space of six [four] Months from the date of the Advertisement; at the expiration of which time, the Sale of the Land shall commence in the place where Congress shall

¹ *Journals*, vol. XXVIII, pp. 375-381.

sit, and continue from day to day until the same shall be disposed of; provided that none of the Land shall be Sold at a less price than One Dollar per Acre, and that the Sale shall be made agreeably to the mode pointed out by the Ordinance aforesaid.

That one third of the purchase Money shall be immediately paid in any of the Public Securities of the United States to the Treasurer of the said States; and that the remaining two thirds shall be paid in like manner in three Months after the date of the Sale, on which payment (a Certificate thereof being previously furnished by the Treasurer to the Board of Treasury) Titles to the Lands shall be given to the Purchasers by the Board of Treasury, agreeably to the Terms prescribed by the said Ordinance; Provided, that if the second payments shall not be made in three Months as aforesaid, the first payment shall be forfeited, and the Land shall again be exposed to Sale.

Ordered, That the Board of Treasury take the necessary measures for carrying the aforesaid Resolutions into effect, and also for exhibiting the Surveys of the Lands.

All which is humbly Submitted.

April 4th 1787.

SAMUEL OSGOOD
WALTER LIVINGSTON

¹ MONDAY, APRIL 9, 1787.

Congress Assembled present, Massachusetts Rhode Island, Connecticut, New York, New Jersey Pennsylvania, Delaware, Virginia, North Carolina and Georgia and from South Carolina M^r [Daniel] Huger.

M^r Peleg Arnold a Delegate for Rhode Island attended and produced the credentials of his appointment, whereby it appears that he is duly elected appointed a Delegate to represent said State in Congress until the first Monday in Nov^r next.

¹ Roger Alden takes up the entry.

[Credentials of Peleg Arnold, Rhode Island ¹]

By His Excellency John Collins, Esquire, Governor, Captain General and Commander in Chief of and over the State of Rhode-Island and Providence Plantations,

To Peleg Arnold Esq^r Greeting.

Whereas you the said Peleg Arnold was at the Anniversary Election of Officers for the State aforesaid, held at Newport on the First Wednesday in May instant, elected One of the Delegates to represent the said State in Congress for One Year from the First Monday in November next: I do therefore hereby empower and authorise you the said Peleg Arnold to represent the said State in the Congress of the United States of America, now sitting at New York, and to continue and act as a Delegate of the said State in the same, whensoever and wheresoever the said Congress shall meet, for One Year from the said First Monday in November next. And for your so doing this Commission shall be your sufficient Warrant.

Given under my Hand and the Seal of the said State the Eighth Day of May in the Year of our Lord One Thousand Seven Hundred and Eighty-six, and in the Tenth Year of Independence.

JOHN COLLINS

By His Excellency's Command
HENRY WARD *Secry*

The Report of the committee² consisting of M^r [James Mitchel] Varnum, M^r [Edward] Carrington, M^r [Rufus] King, M^r [William] Few and M^r [James] Madison being amended as follows, viz.

Resolved,³ That two companies of Artillery be formed out of the troops already enlisted in the State of Massachusetts

¹ Original credentials, read April 9, 1787, in *Papers of the Continental Congress, Rhode Island Credentials*. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, pp. 210-211.

² See April 4, 1787.

³ This resolve, in the writing of Mr. Edward Carrington, is in *Papers of the Continental Congress*, No. 30, pp. 413-414. After "Artillery" Mr. Rufus King added "and one of infantry" and before "Resolved" Mr. William Few added "excepting the Cavalry which the Secretary at War is directed to take order immediately to discharge". The modifications were not adopted.

in pursuance of the resolution of the 20th of Oct^r 1786. That the Sec^y at War take order for arranging the same with the proper proportion of Officers. That all the remaining troops which have been enlisted in any of the States under the said resolutions, be discharged, and a stop put to any further enlistments. That all the Officers appointed under the said resolutions except those necessary for the said two companies, be discharged.

Resolved, That the Board of Treasury take Order for the payment of the Officers and Soldiers discharged as aforesaid.

*Ordered*¹ that the foregoing resolutions be transmitted to the Secretary at War, and that he without delay direct the two companies of Artillery to be marched from Boston to Springfield, and upon their arrival at that post, that he put in operation the resolutions aforesaid for the discharge of the troops raised by the State of Connecticut and now at Springfield.

On the question to agree to the above resolutions the Yeas and Nays being required by M^r [Rufus] King

¹ This order in the writing of Mr. Rufus King, is in *Papers of the Continental Congress*, No. 30, p. 415.

<i>Massachusetts,</i>			<i>Delaware,</i>		
M ^r King	no	} no	M ^r N. Mitchell	ay	} ay
M ^r Dane	no		M ^r Kearny	ay	
<i>Rhode Island,</i>			<i>Virginia,</i>		
M ^r Varnum	no	} no	M ^r Grayson	no	} ay
M ^r Arnold	no		M ^r Carrington	ay	
<i>Connecticut,</i>			M ^r Madison	ay	
M ^r Johnson	ay	} ay	<i>North Carolina,</i>		
M ^r S. M. Mitchell	ay		M ^r Blount	ay	} ay
<i>New York,</i>			M ^r Hawkins	ay	
M ^r Smith	no	} divided	M ^r Ashe	ay	
M ^r Haring	ay		<i>South Carolina,</i>		
<i>New Jersey,</i>			M ^r Huger	ay	} *
M ^r Clark	ay	} ay	<i>Georgia,</i>		
M ^r Scheurman	ay		M ^r Few	ay	} ay
<i>Pennsylvania</i>			M ^r Pierce	ay	
M ^r S ^t Clair	ay	} ay			
M ^r Pettit ¹	ay				
M ^r Irvine	ay				

So it was resolved in the affirmative.

[Report of Board of Treasury on proposals for coining copper²]

The Board of Treasury to whom was referred sundry Propositions, relative to a Copper Coinage for the United States,

Beg leave to Report,

That they have maturely considered such of the Propositions as have been made relative to this object, as contain any precise offer for undertaking the said Business, the Substance of which they beg leave to lay before Congress.

¹ This is the first day in 1787 that Mr. Charles Pettit appears as attending sessions of Congress. Neither his individual credentials for 1787 nor any record thereof appears in the *Papers of the Continental Congress*. The fact of his election as delegate is established by the certificate of the act of election. See *Journals*, vol. XXXI, pp. 929-930.

² *Papers of the Continental Congress*, No. 139, pp. 473-481, read April 9, 1787. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, II, p. 403. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 143, the report was referred to a committee consisting of Mr. William Samuel Johnson, Mr. Rufus King, Mr. William Pierce, Mr. Abraham Clark and Mr. Charles Pettit, which reported April 20, 1787.

1st The proposal of Peter Allaire¹ of the City of New York, is to Supply the United States with the Sum of Sixty thousand Dollars in Copper Coin, agreeably to the Standard established by Congress, within Twelve Months after the date of the Contract; Provided, that as the delivery of the said Coin shall from time to time be made, payment shall be made of the same in Gold or Silver Coin, or Bills of Exchange, at the rate of Seventy five Pounds, for every Hundred Pounds of Copper Coin.

It is further proposed by the above Gentleman to take the Copper belonging to the United States at its full value; and to pay for the same in Gold or Silver, or to Allow for the same in part Payment of the Copper Coin he furnishes.

2^d The Proposal of Mess^{rs} Brigden and Waller² of London, communicated by the Hon'ble M^r Franklin, late Minister from the United States to the Court of France, is—To furnish the United States with any quantity of Copper Blanks, which they may want ready for Coinage, at the Rate of Thirteen Pennies and one eighth of a Penny Sterling per Pound; provided he is paid for the same on the delivery, in ready Money, or in Bills of Exchange at Sixty days sight.

They further propose to mill the above Blanks at One penny Sterling per Pound (should it be judged advisable) and to strike and furnish them at One Penny Sterling more per Pound. The drawings if done in London to be at the Public expence. The Copper Blanks and Coin at the prices above stated are proposed to be delivered free from every expence on board of Ships at the Port of London.

3^d The proposal of ³ is to furnish the United States with One hundred thousand Pounds Sterling in Copper Coin, for which he expects payment to be made on delivery at the current value, either in produce at Market price, or unquestionable Bills of Exchange.

4th The propositions of M^r James Jarvis⁴ are to furnish the United States with 600,000 lb. of Copper Coin within three Years from the date of the Contract; for which he offers to receive in Payment on the delivery, the Obligations of the United States for the amount of the same, payable in ten, fifteen, or twenty Years; computing two pounds

¹ *Papers of the Continental Congress*, No. 139, pp. 487-488.

² According to the *General Index, Papers of the Continental Congress*, No. 17, p. 340, the proposal of Brigden and Waller was transmitted to the Office for Foreign Affairs, December 1787.

³ *Papers of the Continental Congress*, No. 139, pp. 483-486.

⁴ *Papers of the Continental Congress*, No. 139, pp. 491-492.

and one quarter Avoirdupois, at Four Shillings and Six pence Sterling, or at one Federal Dollar. The above Obligations to be as valid as any heretofore given by the United States, and to be subject to no deduction whatsoever. The rate of Interest on them to be Six per Cent per Annum; and the United States to be allowed a Premium of 10 per Cent on the value of the Copper when Coined.

He proposes further, in case the Contract should take place, to receive the Public Copper, at the rate of Nine Pence Sterling per Pound, allowing the United States on the same Twenty five per Cent Premium, and Paying the amount of the Purchase and Premium in Coin Copper Coin.

5th The last proposition is from M^r Mathias Ogden ¹ in behalf of himself and Associates.

These Gentlemen propose to receive the Public Copper now on hand, and to pay for it (at a price to be hereafter agreed on) in Copper Coin, delivering every Week Three hundred and fifty Pounds New York Currency in Copper, untill the whole is paid; Or to refine Sheet and Blank the Crude Copper, and Coin it under the inspection of a Person for such purpose appointed by Congress; receiving for the same fifteen Pence New York Currency per Pound, free from every expence, except the Salary of the Person appointed to inspect the Coinage.

They further propose to refine Sheet Blank and Coin such a farther quantity, as with the Copper belonging to the Public will amount to Three hundred Tons of Copper Coin, within two Years computed from the date of the Contract; the Coinage to be carried on under the like Inspection as beforementioned free of all expence, excepting the Salary of the Inspector, and to pay to the United States, Fifteen pounds of Copper Coin on every hundred Pounds Coined; the Coin to be of the Federal Standard; and fifty pounds weight of it to be furnished previous to the conclusion of the Contract as the Standard of impression and quality.

Having thus given an Abstract of the several Propositions before the Board on the subject of Copper Coinage we beg leave to lay before Congress, such Remarks as may enable that Honorable Body to form a proper judgment of their comparative Merits.

The Proposition of Peter Allaire offers as great a premium, as could in all probability be afforded by any Contractor in these States, so

¹ *Papers of the Continental Congress*, No. 139, pp. 501-504. There is also a proposition of Joseph Hopkins of Waterbury, Connecticut, of March 1787, on p. 495.

as to leave an adequate compensation for the expence and trouble attending the business; that is, Twenty five per Cent. Premium.

The Profit resulting on the Sum of Sixty thousand Dollars, to the United States, would at that rate be Fifteen thousand Dollars, and so in proportion for a larger Sum. But as Payment is expected for the amount of the Copper Coin when furnished, in Gold or Silver, or in good Bills of Exchange, the present state of the Finances will not, in the opinion of this Board, authorise a Contract on such Principles; because, though the Public exigencies would occasion the issue of the Copper Coin as fast as the same could be delivered, no dependance can be placed on the Collection of Gold and Silver on the general Requisitions, to enable the Treasury to make Payments agreeably to the proposed Contract.

The Propositions of Mess^{rs} Bridgen and Waller of London so far as it respects the price of the Copper Coin, appears in a point of view, highly favorable. At the rate proposed by those Gentlemen, the Copper Coin of the Federal Standard and Impression, might be delivered on board Ships at the Port of London, at fifteen one eighth of a Penny Sterling, per Pound; so that adding the price of Freight, Exchange, Insurance, &c. the Profit to the United States would be greater from an Acceptance of this offer, than from that of any other which has been referred to the Board. But as the payment is to be on the delivery of the Copper, the difficulties which presented themselves in M^r Allaire's proposition, oppose themselves in the present Instance.

The Proposal of _____ is altogether inadmissible, both with respect to Terms and mode of Payment; and however serious the proposer might have been in making the offer, Congress will easily discern that it by no means deserves a serious consideration.

The Propositions on the whole which in the judgment of this Board, deserve the most attentive consideration are those of M^r James Jarvis, and M^r Mathias Ogden.

Both the Proposals offer to furnish within a reasonable period of time, such a quantity of Copper Coin, as would in the opinion of this Board, amply supply the whole circulation of that Metal throughout the States; and thereby prevent the necessity of State Coinage, the evils of which are already too apparent.

The Premium offered by M^r Jarvis is, Ten per Cent.

That by M^r Ogden is Fifteen per Cent.

But as the Copper supplied by the former, may, at the option of the United States, be paid in Twenty Years, a question will arise, whether

the difference of the Sum allowed on the Coinage, will be more than adequate to a common Premium for a Credit of the whole Capital, for a long period.

With respect to the Interest on the value of the Copper delivered; the same on a comparison of the Propositions cannot be taken into consideration, since the Public have the use of the whole Capital, amounting to 266,666 Dollars, paying an Interest of Six per Cent on 240,000 Dollars. The difference betwixt that Sum and 266,666 Doll^{rs} being the amount of the Premium to be given to the United States.

It may be necessary however to observe, that whilst the embarrassments of the Public Finances on the one hand, as well as the Policy of furnishing with as little delay as possible, a sufficient quantity of Copper Coin of the Federal Standard, to supply the general Circulation, plead in favor of M^r Jarvis' Plan; the circumstances proposed by M^r Ogden and his Associates of Manufacturing the Copper Coin, from its first stage, in the Ore of this Country, are certainly deserving the Public attention.

Should the United States determine in the first instance, to procure by Contract a supply of Copper Coin (which considering the small Stock of the Copper in hand, and the low state of their Finances, would probably be eligable) the Coining of the same under the Inspection of a proper Officer of the United States, cannot in the opinion of this Board be dispensed with, without exposing the Public to the risque of Abuses, both as to the quality, and quantity of Copper, which might be thrown into circulation.

On the whole, considering the importance of the matter in reference, the Board beg leave to suggest, whether it might not be proper, to submit the different Propositions, on which this Report is founded, together with the Report, to the consideration of a Special Committee, in order that Congress may, on the maturest deliberation, determine whether it would be most eligable in the first instance, to procure a sufficient Stock of Copper Coin of the Federal Standard, or to Work up the present Stock of Copper, and trust to future resources for augmenting the quantity; Should the latter be the determination, as the Public Copper is in a crude State, and the Spirit of Coining under the authority of the respective States is daily extending itself, as little delay as possible, ought to take place in a determination on this subject.

All which is most humbly Submitted.

April 9th 1787.

SAMUEL OSGOOD
WALTER LIVINGSTON

[Letter of Board of Treasury respecting salary of E. Fox¹]

BOARD OF TREASURY

April 9th 1787.

SIR: We request the favor of Your Excellency to lay before Congress, a copy of a Letter received by the Board from M^r Edward Fox, Commissioner for Settling certain Accounts in the State of Virginia, relative to the Western Territory, added by that State to the Union. In consequence of the Letter of that Gentleman of the 26th of January, which was referred to the Board on the 12th of February last, we had a Conference with him on the subject of those Accounts, and of his proposed augmentation of Salary.

We did not think it proper on our part to give him any encouragement as to its encrease; neither did he hold up the idea which he now does of resigning his Commission. M^r Fox supposes that the Board was directed to Report on his Letter; but this was not the case, as will appear by the Entry on the Journals. Notwithstanding our favorable opinion of this Gentlemans talents to execute the trust reposed in him, we can by no means recommend an augmentation of his present Allowance. His conduct in hazarding the Public Interest, whilst he is stipulating for a Salary (against which he made no objections when it was fixed) added to the disquietude which such augmentation might create amongst other Officers on the Civil Establishment (whose Salaries have been lately reduced) are circumstances, which, in our opinion, operate strongly against a compliance with M^r Fox's demands.

The matter with respect to this Gentleman is brought, by his present Letter, to a short issue. If his Salary is not encreased, it appears to be his intention to resign. From the enclosed Extract of the Proceedings of the Legislature of the State of Virginia, Congress will judge how indispensable it is, that a Commissioner on the part of the United States should be present at the Examination and Adjustment of those Accounts, which was the object of M^r Fox's Appointment.

Should therefore, that Honorable Body be of Opinion, that it would not be proper to Accede to that Gentlemans stipulations, we submit it to their judgment whether it would not be proper, that another Commissioner should be forthwith appointed to proceed to the State

¹ *Papers of the Continental Congress*, No. 140, II, pp. 411-413, read April 9, 1787. A copy of Fox's letter is on p. 407 and of the Act of Virginia on pp. 415-416.

of Virginia, who has disposition, as well as capacity, to execute the Trust reposed in him.

We have the honor to be, etc.,

SAMUEL OSGOOD
WALTER LIVINGSTON

His Excell^y
THE PRESIDENT OF CONGRESS.

[Letter of Secretary at War on Indian affairs ¹]

WAR OFFICE 9 April 1787

SIR: I have the honor to submit to Congress a letter from the superintendant of Indian affairs for the northern department, containing favorable and interesting intelligence of his negociations with the Indians; and also his opinion respecting the posts necessary to be established on the frontiers.

His idea of a general Council or meeting with the indians, merits the attention of Congress. A general council would probably be the wisest and most œconomical mode, not only of avoiding hostilities at present, but of laying the foundations of a firm and durable peace.

I have the honor to be, etc.,

H KNOX

His Excellency
THE PRESIDENT OF CONGRESS

[Letter of Secretary for Foreign Affairs on circular letter to the States ²]

OFFICE FOR FOREIGN AFFAIRS
6th April 1787

SIR: I have the Honor of transmitting to your Excellency herewith enclosed, the Draft of a circular Letter which by the Order of Congress of the 21st Ul^t. I was directed to report. The State of my Health has been such as to prevent my compleating it sooner; and the same Reason constrains me to delay reporting Instructions for M^r Adams

¹ *Papers of the Continental Congress*, No. 150, II, p. 299, read April 9, 1787. A copy of General Butler's letter of March 20, 1787 is on pp. 287-298.

² *Papers of the Continental Congress*, No. 80, III, p. 213, read April 9, 1787. The report, which is in *Papers of the Continental Congress*, No. 81, III, pp. 213-224, was also read and made the order of the day for April 12. It was agreed to on April 13, where it is entered *verbatim* on the Journal. See March 21, 1787.

on the same Subject. I shall however endeavor to report them in Season to be compleated and sent by the next Packet.

I have the Honor to be, etc.,

JOHN JAY ¹

His Excellency

THE PRESIDENT OF CONGRESS

TUESDAY, APRIL 10, 1787.

Congress Assembled, present Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina and Georgia.

² A motion ³ was made by M^r [Dyre] Kearny, seconded by M^r [William] Blount.

Resolved, That on the last friday in the present month, Congress will adjourn to meet on the first Monday in June next at the city of Philadelphia in the State of Pennsylvania, and the President of Congress is hereby authorised and directed on the said last friday in the present Month to adjourn Congress to the said first Monday in June next to meet in the city of Philadelphia, in the State of Pennsylvania, and that the Sec^y of Congress, and the heads of the several Departments, take order for the removal of the books and papers belonging to their respective Officers to the said city of Philadelphia.

¹ APRIL 9, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 144, the following Committee was appointed:

Mr. Edward Carrington, Mr. James Mitchel Varnum, Mr. Abraham Clark, Mr. Rufus King and Mr. Benjamin Hawkins on a motion of Mr. Carrington for revising the ordinance for surveying and selling the western territory. Report rendered April 25, 1787.

According to indorsement and the *Committee Book* was read and referred to the Commissioner for Army Accounts to report:

Letter of William Irvine to President of Congress, April 4, 1787, regarding an extra allowance, while commanding at Fort Pitt. *Papers of the Continental Congress*, No. 78, XIII, pp. 407-408. Report rendered April 11, 1787.

² A draft of the proceedings of this day in the writing of Roger Alden in his *Papers of the Continental Congress*, No. 36, IV, pp. 13, 14 and 16.

³ *Papers of the Continental Congress*, No. 36, III, p. 347, in the writing of Mr. Dyre Kearny.

A motion was then made by M^r [James Mitchel] Varnum to amend the motion be striking out the words, “at the city of Philadelphia in the State of Pensylvania”, and in lieu thereof to insert, “Newport in the State of Rhode Island and Providence plantations”.

And on the question to agree to this amendment, the Yeas and Nays¹ being required by M^r [James Mitchel] Varnum,

<i>Massachusetts</i>			<i>Delaware</i>	
M ^r King	no	}no	M ^r Mitchell	no
M ^r Dane	no		M ^r Kearny	no
<i>Rhode Island</i>			<i>Virginia</i>	
M ^r Varnum	ay	}ay	M ^r Grayson	no
M ^r Arnold	ay		M ^r Carrington	no
<i>Connecticut</i>			M ^r Madison	no
M ^r Johnson	ay	}ay no	<i>North Carolina</i>	
M ^r S. M. Mitchell	ay		M ^r Blount	no
<i>New York</i>			M ^r Hawkins	no
M ^r Smith	no	}no	M ^r Ashe	no
M ^r Haring	no		<i>Georgia</i>	
<i>New Jersey</i>			M ^r Few	no
M ^r Clark	no	}no	M ^r Pierce	no
M ^r Schurman	no			
<i>Pensylvania</i>				
M ^r S ^t Clair	no	}no		
M ^r Pettit	no			
M ^r Irvine	no			

So it passed in the negative.

A Motion was then made by M^r [Rufus] King to amend the motion by striking out the following words, “at the city of Philadelphia, in the State of Pensylvania, and to meet in the said city of Philadelphia in the state of Pensylvania, and that the Secretary of Congress and the heads of the several departments take order for the removal of the books and papers belonging to their respective Offices to the said city

¹ A record of this vote and that on the following motion, in the writing of Roger Alden, is in *Papers of the Continental Congress*, No. 55, p. 179.

of Philadelphia", so that it read, *Resolved* that on the last friday in the present month Congress will adjourn to meet on the first monday in June next, and the President of Congress is hereby authorised and directed on the said last friday in the present month to adjourn Congress to the said first Monday in June next.

And on the Question, shall these words stand the Yeas and Nays being required by M^r [Dyre] Kearny,

Massachusetts

M^r King no }
M^r Dane no }no

Rhode Island

M^r Varnum ay }
M^r Arnold ay }ay

Connecticut

M^r Johnson no }
M^r S. M. Mitchell no }no

New York

M^r Smith no }
M^r Haring no }no

New Jersey

M^r Clark ay }
M^r Schuerman ay }ay

Pensylvania

M^r S^t Clair ay }
M^r Pettit ay }ay
M^r Irvine ay }

Delaware

M^r N. Mitchell ay }
M^r Kearny ay }ay

Virginia

M^r Grayson ay }
M^r Carrington ay }ay
M^r Madison ay }

North Carolina

M^r Blount ay }
M^r Hawkins ay }ay
M^r Ashe ay }

Georgia

M^r Few ay }
M^r Pierce ay }ay

So it was resolved in the Affirmative.

A Motion was then made by M^r [Rufus] King to strike out the following words, "on the last friday in the present month," and when the question was about to be put, the Yeas and Nays being required, the determination thereof was put off till tomorrow, by the State of Massachusetts.

On motion of M^r [Abraham] Clark ¹ seconded by M^r [William] Grayson,

Resolved, That the right of a State under the 22^d Article of the rules of the house, to put off the decision of a question, shall be construed to relate only to the final question, on the entire Ordinance, or proposition depending, and not to any motion for amendment.

[Report of Committee on memorial of J. Porter ²]

The Com^e consisting of M^r [Abraham] Clark M^r [Rufus] King and M^r [William] Pierce, to whom was referred the Memorial of John Porter late Major in the 6th Massachusetts Battalion belonging to the Army of the United States, report,

That having examined the Case of the s^d John Porter, it appears that on the 12th day of October 1782, he was, by order of the Commander in Chief tried by a Court-Martial for Absenting himself from his Regiment and going beyond sea without proper permission, and that in Consequence thereof, he was Sentenced to be discharged the Service of the United States.

That Considering the Case of M^r Porter, and the Circumstances attending his discharge, your Committee, while they approve of the Sentence of the Court-Martial, as necessary for preserving Strict discipline in the Army, cannot but consider his offence as Arising principally from Mistake and Accident, and not from a design to Abandon or injure the Service, as it appears he had ever before Supported the Character of a good Officer, whereupon

Resolved that Major Porter be Considered as meriting the Approbation of Congress for his long and faithful Services in the Army untill the time of his Absence which Occasioned his dismissal, but that the priviledges and emoluments granted to those who continued in the Service to the end of the War cannot be Allowed to him.³

¹ *Papers of the Continental Congress*, No. 36, III, p. 343. See *Journals*, vol. XX, p. 480.

² *Papers of the Continental Congress*, No. 19, V, p. 209, in the writing of Mr. Abraham Clark. Read April 10, 1787. See March 27, 1787 and May 22, 1783.

³ APRIL 10, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 144, the following committee was appointed:

Mr. William Irvine, Mr. James Madison and Mr. Abraham Clark on a letter from J. M. P. Legras to General Wilkinson, February 3, 1787, read April 10,

WEDNESDAY, APRIL 11, 1787.

Congress Assembled, present Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, and Georgia, and from South Carolina M^r [Daniel] Huger.

The determination of the question¹ which was yesterday put off by the State of Massachusetts was postponed by order of the House.

On Motion² of M^r [Rufus] King seconded by M^r [William] Pierce

Resolved, That the powers and duties of the commissioner appointed on the part of the United States, in pursuance of the Resolution³ of the 13th of April 1785 be united with those of the Commissioner of Army Accounts, and that he be directed forthwith to proceed to the State of Virginia,

together with an enclosed memorial of the inhabitants of St. Vincennes to the Legislature of Kentucky. French originals with English translations. *Papers of the Continental Congress*, No. 48, pp. 301, 305, 307-314. This was the same committee as that of March 29 on other Illinois papers. Mr. Irvine was replaced by Mr. Nathan Dane, on April 18, 1787. Report rendered May 7, 1787.

Also according to the *Committee Book* the following matters were referred:

Memorial of Joseph Lewis, April 9, 1787, read April 10, for wages and prize money. *Papers of the Continental Congress*, No. 41. V, p. 432. Referred to the Commissioner for Marine Accounts to report. Report rendered April 12, 1787.

Memorial of Joseph Howell, received April 5, 1787, respecting the reduction of his salary. Referred to the Board of Treasury to report.

Motion of Mr. William Pierce respecting certificates issued to officers of the line of Georgia. Referred to the Board of Treasury to report.

Resolution, copied *verbatim*, of the Board of Treasury from its report, read March 26, 1786, on case of Captain Thomas Machin, was referred to the Commissioner for Army Accounts to take order.

According to indorsement was read:

Petition of Cloey Jervis, wife of Charles Jervis, April 9, 1787, for the latter's pay as a soldier. *Papers of the Continental Congress*, No. 42, IV, pp. 88-89.

¹ Adjournment of Congress.

² *Papers of the Continental Congress*, No. 22, p. 123, in the writing of Mr. Rufus King. The indorsement states it was passed April 10, which is evidently an error.

³ *Journals*, vol. XXVIII, p. 261.

in the place of M^r Fox, who has declined proceeding in this commission without an augmentation of his Pay.

Resolved, That the Salary of the Commissioner of Army Accounts cease during the time he shall be employed in pursuance of the foregoing Resolution, and that he be allowed during that term the pay heretofore established for that service.

Resolved, That the Commissioner of Army Accounts be authorised to appoint some suitable person to conduct the business of that office during his absence at a salary not exceeding the rate of 800 dollars annually.

On the report of the Agent of Marine to whom it was referred to report to Congress a re[a]sonable allowance per day for naval Officers employed on Courts Martial

Resolved, That such naval officers as have been or shall be employed on Courts Martial out of the States of their residence, or in a State where the ships or vessels of War to which they belong were or may be attached did not or shall not lie at the time of their being so employed, be and they are hereby entitled to an extra allowance of three dollars and one third of a dollar per day each, in addition to the pay and subsistence to which they were entitled by former Acts of Congress.

That the said extra allowance commence on the day such Officer or Officers shall set out from his or their place of residence, or from the Ship or vessel of War to which they were or may be attached at the time and continue until they return to their said residence, ship or vessel of war, allowing to each a reasonable time for going to and returning from the place of the sitting of such Court.

[Report of Commissioner of Army Accounts on petition of W. Irvine ¹]

The commissioner of army accounts, To whom was referred the petition of General William Irvine, begs leave to report,

That on the 16th of June 1775, Congress granted the additional pay of one hundred and sixty six dollars to a Major General when Commanding in a seperate department.

That an allowance of One Hundred and twenty five dollars monthly was granted on the 15th of April 1777, to Brigadier General Howe ² and to any officer of equal rank who should succeed him in the Command of the Troops in South Carolina and Georgia, and also on the 14th of May 1779 a grant was made to Brigadier General Moultrie ³ of the extra pay of a Major General on a seperate command while he commanded the Southern army.

That on the 8th of May 1781, the allowance to an officer commanding a seperate department was given to the commanding General at West Point,⁴ which grants are all the precedents found on the Journals of Congress of allowances to Commanding officers of seperate Posts, and were repealed by the resolution of April 22^d 1782,⁵ excepting that to the General commanding the southern army. The supply of the tables therefore of the generals Commanding at Fort Pitt is unprovided for by any resolutions, which Command devolved on the following Officers Viz^t Brig^d General Hand from April 10th 1777, to May 2^d 1778, Brigad^r M^cIntosh from about May 1778, to July 30th 1779, Colonel Dan^l Broadhead from about July 1779, to September 24, 1781 and General Irvine from Sep^r 24th 1781, to the close of the war.

Your Commissioner having examined the settlements of these Gentlemen, finds that in no instance any extra pay has been admitted to their Credit in the offices of the United States, but from the consideration that, until the army were supplied by Contracts which was at Fort Pitt on the 20th September 1781, the Commanding Generals had the full and free opportunity to furnish their tables from the

¹ *Papers of the Continental Congress*, No. 62, pp. 209-210, read April 11, 1787. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 144, the report was referred to a committee consisting of Mr. James Mitchel Varnum, Mr. Rufus King and Mr. Melancton Smith, which reported April 12, 1787.

² *Journals*, vol. VII, pp. 269-270.

³ *Journals*, vol. XIV, p. 586, (May 13).

⁴ *Journals*, vol. XX, pp. 488-489.

⁵ *Journals*, vol. XXII, p. 205.

Commissaries Stores, at the public expence which issues has not and probably never can be Brought to their debit. Your Commissioner Conceives that the Case of General Irvine may probably be different from that of the other Commanding officers at those posts, and therefore begs leave to submit the same to the Consideration of Congress.

JN^o PIERCE *Commiss^r*.

His Excellency

THE PRESIDENT OF CONGRESS

[Letter of Secretary for Foreign Affairs transmitting diplomatic correspondence ¹]

OFFICE FOR FOREIGN AFFAIRS

10th April 1787

SIR: I have the Honor of transmitting to your Excellency herewith enclosed, a Letter of 7th February from the Marq^s De la Fayette² and three Letters from M^r Adams,³ dated 9th and 24th January and 3^d February last with the Papers mentioned to have been enclosed with them. As to the Papers enclosed by the Marquis they have heretofore been laid before Congress.

I have also received Letters from M^r Jefferson which shall be communicated to your Excellency as soon as the Papers in french that accompanied them are translated.

I have the Honor to be, etc.,

JOHN JAY

His Excellency

THE PRES^t OF CONGRESS

¹ *Papers of the Continental Congress*, No. 80, III, p. 217, read April 11, 1787.

² *Papers of the Continental Congress*, No. 156, pp. 454-455. Discusses events in Europe and America and encloses copy of correspondence with Floridablanca.

³ *Papers of the Continental Congress*, No. 84, VI, pp. 363-365, 392-395 and 419-421 respectively. The letter of January 9 treats of treaty with Algiers, Portuguese negotiation, claim of English merchants and the house at the Hague. Its enclosures are on pp. 371-390. That of January 24 discusses Adams' retirement from his posts in Europe and recommendations as to diplomatic appointments. That of February 3 refers to the French treaty, Hastings and the return to America. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 145, the letter of January 24 was referred to the Secretary for Foreign Affairs to report. Report rendered July 26, 1787. See August 1, 1787.

THURSDAY, APRIL 12, 1787.

Congress Assembled, present Massachusetts Rhode Island, Connecticut, New York, ~~New Jersey~~, Pennsylvania, Delaware, Virginia, North Carolina and Georgia and from New Jersey M^r [Abraham] Clark, and from South Carolina M^r [Daniel] Huger.

[Report of Committee on petition of W. Irvine ¹]

The Committee consisting of M^r [James Mitchel] Varnum, M^r [Rufus] King and M^r [Melancton] Smith submit the following resolution,

That from the peculiarity of General Irwin's situation while commanding at Fort Pitt, he be allowed the additional pay of one hundred and twenty five dollars per month during that time, and that the Commissioner of Army accounts take order accordingly.

The report of the Committee consisting of M^r [James Mitchel] Varnum, M^r [Rufus] King and M^r [Melancton] Smith being amended,²

Resolved, that the Commissioner of Army Accounts in the settlement of the Accounts of William Irvine late a Brigadier General in the Army of the United States, allow him in addition to the emoluments of his grade, such sum as, from a fair representation of his expences during his command at Fort Pitt, may appear to him reasonable.

¹ *Papers of the Continental Congress*, No. 19, III, p. 253, in the writing of Mr. James Mitchel Varnum. Read April 12, 1787. See April 11.

² The amended report as passed is in *Papers of the Continental Congress*, No. 19, III, p. 255, in the writing of Mr. William Pierce.

Another form in the writing of Mr. Rufus King, p. 253, is identical with the resolution as passed except the concluding part which reads "such sum as he may have expended during his command at Fort Pitt, more than he would have expended with the main army."

[Letter of Secretary for Foreign Affairs transmitting Moroccan treaty ¹]

OFFICE FOR FOREIGN AFFAIRS

11th April 1787

SIR: I have the Honor of herewith transmitting to your Excellency a Box delivered to me by Order of our Ministers by Col^l Franks, who went with M^r Barclay to Morocco, containing the Treaty with that Court, together with other Papers, a List of which is the first Paper that your Excellency will find on opening it.

I have the Honor to be, etc.,

JOHN JAY ²

His Excellency

THE PRESIDENT OF CONGRESS.

FRIDAY, APRIL 13, 1787.

Congress Assembled, present Massachusetts Rhode Island, Connecticut, New York, Pensylvania, Virginia, North Carolina and Georgia, and from New Jersey M^r [Abraham] Clark, from Delaware M^r [Dyre] Kearny and from South Carolina M^r [Daniel] Huger.

¹ *Papers of the Continental Congress*, No. 80, III, p. 225, read April 12, 1787. Barclay's letters to Adams and Jefferson giving a list of transmitted documents and accounts of Morocco and the treaty negotiations (originals and copies), the certified translation of the treaty approved by Adams and Jefferson (also another copy) and other pertinent documents are in *Papers of the Continental Congress*, No. 91, I, pp. 171-323. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 145, these papers were referred to the Secretary for Foreign Affairs to report. Report rendered on the treaty on May 8, 1787. See July 18, 1787.

² APRIL 12, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 139, the committee of March 9, 1787 on the representation of the Massachusetts delegates respecting Shay's rebellion was discharged and the papers filed.

According to indorsement the following were read:

Report of the Secretary for Foreign Affairs, April 11, 1787, on the state of his negotiations with Mr. Gardoqui. *Papers of the Continental Congress*, No. 81, III, pp. 227-232. See *Secret Journal* for April 13, where the report is entered *verbatim*.

Report of Benjamin Walker, Commissioner of the Marine Department on memorial of Joseph Lewis. *Papers of the Continental Congress*, No. 19, IV, p. 143. See April 10, 1787.

The Secretary for foreign Affairs having in pursuance of an order of Congress reported the draught of a letter¹ to the States to accompany the resolutions passed the 21st day of March 1787, the same was taken into consideration, and Unanimously agreed to, as follows,

SIR: Our Secretary for foreign Affairs has transmitted to You copies of a letter² to him from our Minister at the Court of London of the 4th day of March 1786, and of the papers mentioned to have been enclosed with it.

We have deliberately and dispassionately examined and considered the several facts and matters urged by Britain as infractions of the treaty of peace on the part of America, and we regret that in some of the States too little attention appears to have been paid to the public faith pledged by that treaty. Not only the obvious dictates of religion, morality and national honor, but also the first principles of good policy, demand a candid and punctual compliance with engagements constitutionally and fairly made. Our national constitution having committed to us the management of the national concerns with foreign States and powers, it is our duty to take care that all the rights which they ought to enjoy within our Jurisdiction by the laws of nations and the faith of treaties remain inviolate. And it is also our duty to provide that the essential interests and peace of the whole confederacy be not impaired or endangered by deviations from the line of public faith into which any of its members may from whatever cause be unadvisedly drawn. Let it be remembered that the thirteen Independent Sovereign States have by express delegation of power, formed and vested in us a general though limited Sovereignty for the general and national

¹ Original report, read April 9, 1787, is in *Papers of the Continental Congress*, No. 81, III, pp. 213-224. In broadside, signed by Charles Thomson, it is in *Papers of the Continental Congress*, No. 49, pp. 329-331. See March 21, 1787.

² *Papers of the Continental Congress*, No. 84, VI, p. 147, with its enclosures on pp. 151-175.

purposes specified in the Confederation. In this Sovereignty they cannot severally participate (except by their Delegates) nor with it have concurrent Jurisdiction, for the 9th Article of the confederation most expressly conveys to us the sole and exclusive right and power of determining on war and peace, and of entering into treaties and alliances &c. When therefore a treaty is constitutionally made ratified and published by us, it immediately becomes binding on the whole nation and superadded to the laws of the land, without the intervention of State Legislatures. Treaties derive their obligation from being compacts between the Sovereign of this, and the Sovereign of another Nation, whereas laws or statutes derive their force from being the Acts of a Legislature competent to the passing of them. Hence it is clear that Treaties must be implicitly received and observed by every Member of the Nation; for as State Legislatures are not competent to the making of such compacts or treaties, so neither are they competent in that capacity, authoritatively to decide on, or ascertain the construction and sense of them. When doubts arise respecting the construction of State laws, it is not unusual nor improper for the State Legislatures by explanatory or declaratory Acts to remove those doubts; but the case between laws and compacts or treaties is in this widely different; for when doubts arise respecting the ~~construction of State laws~~ sense and meaning of a treaty they are so far from being cognizable by a State Legislature that the United States in Congress Assembled have no Authority to settle and determine them; For as the Legislature only which constitutionally passes a law has power to revise and amend it, so the sovereigns only who are parties to the treaty have power, by mutual consent and posterior Articles to correct or explain it.

In cases between Individuals, all doubts respecting the meaning of a treaty, like all doubts respecting the meaning of

a law, are in the first instance mere judicial questions, and are to be heard and decided in the Courts of Justice having cognizance of the causes in which they arise; and whose duty it is to determine them according to the rules and maxims established by the laws of Nations for the interpretation of treaties. From these principles it follows of necessary consequence, that no individual State has a right by legislative Acts to decide and point out the sense in which their particular Citizens and Courts shall understand this or that Article of a treaty.

It is evident that a contrary doctrine would not only militate against the common and established maxims and Ideas relative to this subject, but would prove no less inconvenient in practice, than it is irrational in theory; for in that case the same Article of the same treaty might by law be made to mean one thing in New Hampshire, another thing in New York, and neither the one nor the other of them in Georgia.

How far such legislative Acts would be valid and obligatory even within the limits of the State passing them, is a question which we hope never to have occasion to discuss. Certain however it is that such Acts cannot bind either of the contracting Sovereigns, and consequently cannot be obligatory on their respective Nations.

But if treaties and every Article in them be (as they are and ought to be) binding on the whole Nation, if individual States have no right to accept some Articles and reject others, and if the impropriety of State Acts to interpret and decide the sense and construction of them be apparent; still more manifest must be the impropriety of State Acts to controul, delay or modify the operation and execution of these national compacts.

When it is considered that the several States Assembled by their Delegates in Congress have express power to form treaties, surely the treaties so formed are not afterwards to

be subject to such alterations as this or that State Legislature may think expedient to make, and that too without the consent of either of the parties to it—that is, in the present case, without the consent of all the United States, who collectively are parties to this treaty on the one side, and his britan- nic Majesty on the other. Were the Legislatures to possess and to exercise such power, we should soon be involved as a Nation in Anarchy and confusion at home, and in disputes which would probably terminate in hostilities and War with the Nations with whom we may have formed treaties. Instances would then be frequent of treaties fully executed in one State, and only partly executed in another and of the same Article being executed in one manner in one State, and in a different manner, or not at all in another State. History furnishes no precedent of such liberties taken with treaties under form of Law in any nation. Contracts between Nations, like contracts between Individuals, should be faithfully executed even though the sword in the one case, and the law in the other did not compel it, honest nations like honest Men require no constraint to do Justice; and tho impunity and the necessity of Affairs may sometimes afford temptations to pare down contracts to the Measure of convenience, yet it is never done but at the expence of that esteem, and confidence, and credit which are of infinitely more worth than all the momentary advantages which such expedients can extort.

But although contracting Nations cannot like individuals avail themselves of Courts of Justice to compel performance of contracts, yet an appeal to Heaven and to Arms, is always in their power and often in their Inclination.

But it is their duty to take care that they never lead their people to make and support such Appeals, unless the sincerity and propriety of their conduct affords them good

reason to rely with confidence on the Justice and protection of Heaven.

Thus much we think it useful to observe in order to explain the principles on which we have unanimously come to the following resolution, (viz) "*Resolved*, That the Legislatures of the several States cannot of right pass any Act or Acts for interpreting, explaining or construing a national treaty or any part or clause of it, nor for restraining, limiting or in any manner impeding, retarding, or counteracting the operation and execution of the same; for that on being constitutionally made, ratified and published they become in virtue of the confederation part of the Law of the Land, and are not only independent of the will and power of such Legislatures, but also binding and obligatory on them."

As the treaty of peace so far as it respects the matters and things provided for in it, is a Law to the United States, which cannot by all or any of them be altered or changed, all State Acts establishing provisions relative to the same objects, which are incompatible with it, must in every point of view be improper. Such Acts do nevertheless exist, but we do not think it necessary either to enumerate them particularly, or to make them severally the subjects of discussion. It appears to us sufficient to observe and insist, that the treaty ought to have free course in its operation and execution, and that all obstacles interposed by State Acts be removed. We mean to act with the most scrupulous regard to Justice and candour towards Great Britain, and with an equal degree of delicacy, moderation and decision towards the States who have given occasion to these discussions.

For these reasons we have in general terms

Resolved, That all such Acts or parts of Acts, as may be now existing in any of the States repugnant to the treaty of peace ought to be forthwith repealed, as well to prevent their continuing to be regarded as violations of that treaty as to

avoid the disagreeable necessity there might otherwise be of raising and discussing questions touching their validity and obligation.

Although this resolution applies strictly only to such of the States as have passed the exceptionable Acts alluded to, yet to obviate all future disputes and questions as well as to remove those which now exist, we think it best that every State without exception should pass a law on the Subject. We have therefore "*Resolved*, That it be recommended to the several States to make such repeal rather by describing than reciting the said Acts, and for that purpose to pass an Act, declaring in general terms, that all such Acts and parts of Acts repugnant to the treaty of peace between the United States, and his Britannic Majesty, or any Article thereof, shall be and thereby are repealed; And that the Courts of Law and Equity in all causes and Questions cognizable by them respectively, and arising from or touching the said Treaty, shall decide and adjudge according to the true intent and meaning of the same, any thing in the said Acts or parts of Acts to the contrary thereof in any wise notwithstanding.

Such Laws would answer every purpose and be easily formed, the more they were of the like tenor throughout the States the better. They might each recite that, Whereas certain laws or Statutes made and passed in some of the United States, are regarded and complained of as repugnant to the Treaty of peace with Great Britain, by reason whereof not only the good faith of the United States, pledged by that treaty has been drawn into Question, but their essential Interests under that treaty greatly affected. And Whereas Justice to Great Britain as well as regard to the honor and Interests of the United States require, that the said treaty be faithfully executed, and that all obstacles thereto, and

particularly such as do or may be construed to proceed from the Laws of this State, be effectually removed, therefore,

Be it enacted by _____ and it is hereby enacted by the Authority of the same, that such of the Acts or parts of Acts of the Legislature of this State, as are repugnant to the treaty of peace between the United States, and his britannic Majesty, or any Article thereof, shall be and hereby are repealed. And further that the Courts of Law and Equity within this State be and they hereby are directed and required, in all causes and questions cognizable by them respectively, and arising from or touching the said treaty, to decide and adjudge according to the tenor, true intent and meaning of the same anything in the said Acts or parts of Acts to the contrary thereof in any wise notwithstanding.

Such a general Law would we think be preferable to one that should minutely enumerate the Acts and clauses intended to be repealed; because omissions might accidentally be made in the enumeration, or Questions might arise and perhaps not be satisfactorily determined respecting particular Acts or clauses, about which contrary opinions may be entertained. By repealing in general terms all Acts and clauses repugnant to the treaty, the business will be turned over to its proper Department, viz, the Judicial, and the Courts of Law will find no difficulty in deciding whether any particular Act or clause is or is not contrary to the treaty. Besides when it is considered that the Judges in general are Men of Character and Learning, and feel as well as know the obligations of Office and the value of reputation, there is no reason to doubt that their conduct and Judgments relative to these as well as other Judicial matters will be wise and upright.

Be please, Sir, to lay this letter before the Legislature of Your State without delay. We flatter ourselves they will concur with us in opinion, that candour and Justice are as

necessary to true policy, as they are to sound Morality, and that the most honorable way of delivering ourselves from the embarrassment of mistakes is fairly to correct them. It certainly is time that all doubts respecting the public faith be removed, and that all questions and differences between us and Great Britain be amicably and finally settled. The States are informed of the reasons why his britannic Majesty still continues to occupy the frontier Posts, which by the treaty he agreed to evacuate; and we have the strongest assurances that an exact compliance with the treaty on our part, shall be followed by a punctual performance of it on the part of Great Britain.

It is important that the several Legislatures should as soon as possible take these matters into consideration; and we request the favor of You to transmit to us an authenticated copy of such Acts and proceedings of the Legislature of Your State, as may take place on the Subject, and in pursuance of this letter.

By order of Congress,

PRESIDENT.¹

² The Secretary for Foreign Affairs having in Obedience to the Order of the 4th reported a State of his negotiation with the Encargado de Negocios of Spain.³ the same was read as follows,

OFFICE FOR FOREIGN AFFAIRS

11th April 1787.

SIR: In Obedience to the Order of Congress directing me to give Information of the State of my negotiation

¹ The entire proceeding relative to the letter to the States is also entered by Benjamin Bankson in the *Secret Journal, Foreign Affairs, Papers of the Continental Congress*, No. 5, III, pp. 1593-1602.

² From this point to the end of the day the entries are by Benjamin Bankson in *Secret Journal, Foreign Affairs, Papers of the Continental Congress*, No. 5, III, pp. 1565-1592.

³ *Papers of the Continental Congress*, No. 81, III, pp. 227-232, read April 12, 1787. Assigned for Wednesday April 18, 1787.

with the Encargado de Negocios of Spain &c, I have the honor of informing Your Excellency that on the 6th October last I wrote the following Letter to M^r Gardoqui, Viz^t

“OFFICE FOR FOREIGN AFFAIRS

6th October 1786.

SIR: The Letter you did me the honor to write the 25th May last was immediately laid before Congress. The Subjects of our Negotiation have frequently since engaged their Attention and Consideration, and I have now the pleasure to inform you that in consequence of some recent Acts I find myself more in Capacity than I was, to make and receive propositions relative to certain Matters in difference between our Countries. I shall be happy if our Negotiations should be so fortunate as to terminate in a Treaty satisfactory to both.

As soon as some Business which I must immediately dispatch shall be completed, which will be in the Course of a few days, it will give me pleasure to renew our Conferences, and I will do myself the honor of giving you notice of it without delay.

With great Consideration and Esteem I have the honor to be, &c.

(Signed) JOHN JAY

Sen^r Don DIEGO DE GARDOQUI

Encargado de Negocios of his Catholic Majesty.”

That I have since had several Conferences with M^r Gardoqui on the well known points in difference between us, Viz. on the navigation of the River Mississippi and on the Limits.

With respect to the first point we have had repeated Conversations which produced nothing but debate, and

in the Course of which we did not advance one single step nearer to each other. He continued and still continues decided in refusing to admit us to navigate the river below our Limits on any Terms or Conditions, nor will he consent to any Article *declaring our Right in express Terms, and stipulating to forbear the use of it for a given Time*. But he did not appear to me so decidedly opposed to the same Ideas in the way of *Implication*, though he did not say so. I drew that Inference from a number of Circumstances, but yet he said nothing so unequivocal to warrant it, as to commit himself. I thought it therefore adviseable to try how far he would silently yield to that Idea; and therefore drew up Articles in a variety of shapes, *clearly implying the Right and expressly* forbearing the Use during the Term of the Treaty. These Drafts he positively refused to admit; and finding that Arguments in support of them rather irritated than convinced him, we parted without doing anything. Subsequent Conferences took place, and he continuing inflexible in refusing the Articles as they stood, we gradually but very cautiously talked of amendments. It was my Business to endeavour to change the *dress* but retain the *Spirit and Sense*, many difficulties and questions unnecessary to detail, occurred. It was however finally so adjusted as in my Opinion to save the *Right* and only suspend the *Use* during the Term of the Treaty; at the expiration of which this and every other Article in it would become null and void. It is as follows Viz

“And to the End that this Treaty may the more effectually provide for the continuance of that perfect Harmony which at present happily subsists between his Catholic Majesty and the United States; and that all differences and questions, which might otherwise arise

respecting the navigation of the River Mississippi may be avoided and obviated by an amicable stipulation on that Subject. As his Catholic Majesty's System of Government and Policy prohibits all foreign Trade, Intercourse, and Commerce within his Territories, and as the United States are desirous as far as possible to meet the wishes of his Majesty, and to evince the Sense they entertain of his friendly disposition toward them, and of the recent proofs he has been pleased to give them of it, Therefore it is expressly stipulated and concluded that his Catholic Majesty and the United States are freely, and in common, and without receiving any Interruption from each other, to use and navigate the said River from its source down to the southern Boundary of the said States; and that the United States will faithfully observe that Limitation, and not navigate or use the said River below, or further down than the said Boundary in any part of its course therefrom through his Majesty's Countries to the Mouth thereof."

Congress will doubtless observe that the Reasons assigned in this Article for forbearance, militate against a supposition of his Majesty's having an exclusive Right; for it does not either admit *his* right or relinquish *ours*, but on the contrary, in order to avoid and obviate differences and questions, to suit his Majesty's system of Government and policy, to meet the King's wishes, and to evince our Sense of his Friendship, it only stipulates *not to use &c.*

On that and every other occasion I thought it best to be very candid with Mr. Gardoqui. I told him that he must not conclude that what I might think expedient would also be deemed so by Congress, and hoped that when he considered they were sitting in the same place

with us, he would see the propriety of my observing the greatest delicacy and Respect towards them.

As to the Limits, I have reason from him to believe that notwithstanding the Extent of their Claims, he would in case all other Matters were satisfactorily adjusted, so far recede as to give up to us all the Territories not comprehended within the Floridas as ascertained by our separate and secret Article with Great Britain, of which I early perceived that he was well informed.

As he could not in any manner be drawn lower down than this Line, it struck me that it would be prudent to confine if possible all questions of Limits to the Land between the two Lines; and therefore hinted the Expediency of settling the dispute so limited by Commissioners. He expressed no reluctance to this, and I believe he has written for Instructions on that point but am not certain. He seemed very cautious of committing himself; and I cannot now say that he admitted our right to extend down to the first Line, but only gave me to understand that, all other Things being agreed, his Majesty from motives of Accommodation might be content with that Limitation.

These are the Facts, and so Matters at present stand between him and me. A variety of circumstances and considerations which I need not mention, render this negotiation dilatory, unpleasant and unpromising; and it is much to be wished that the United States could jointly and unanimously adopt and pursue some fixed and stable plan of policy in regard to Spain, especially during the residence of M^r Gardoqui, who I do verily believe is sincerely disposed to do every Thing useful and Acceptable to America, that his Instructions and

the essential Interests of his Country, as understood by him and his Master, will permit.

I have the honor to be &c.

(Signed) JOHN JAY

His Excellency

THE PRESIDENT OF CONGRESS

¹ The following report ² from the Secretary for foreign Affairs was also read

OFFICE FOR FOREIGN AFFAIRS

12th April 1787.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred certain papers communicated to Congress by the Honorable the Delegates of Virginia ³ and North Carolina

¹ Charles Thomson wrote this sentence.

² *Papers of the Continental Congress*, No. 81, III, pp. 235-240, read April 13, 1787. Assigned for Wednesday, April 18, 1787. See March 28 and 30, 1787.

³ Papers of Virginia, which are in the *Papers of the Continental Congress*, No. 71, II, p. 491 ff., were entered as footnotes in the *Secret Journal*, as follows:—

In Council February 28th. 1787.

The Board resumed the consideration of several Letters bearing date the 22nd day of December 1786 and addressed to the Governor from Danville, by Thomas Marshall and others which said Letters with the enclosures had been laid before them on Saturday last.

The Board lament that those dispatches pregnant as they are with Subjects, deeply interesting to our National Character, and quiet, and intended for the last Assembly, should for the first time, on the fifth day of this Instant have been handed to the Governor in Williamsburg on his late journey to Norfolk on public business.

From the respectability of the names subscribed to those Letters, they confide in the following facts,

1 That the prosecution of the Treaty proposed to be held with the Indians under the Authority of Congress, will tend to the safety of our Western Settlements.

2nd That the success of the Treaty would be forwarded by the appointment of some Commissioners at least who are resident in the parts of the Country likely to be exposed to the incursions of the Savages.

Reports

That he presumes the Design of Congress in referring these papers to him was, that he should report only on such matters stated in them, as respect foreign Affairs.

It appears from the Act of the Council of Virginia of 28 February last, "that General Clarke hath made a seizure of Spanish property without any Authority for

3^d That General Clarke has been, and perhaps is now employed
 in levying Recruits } for the support of
 in nominating Officers and } the Post at Saint
 in impressing Provisions } Vincennes.

and 4th That General Clarke hath made a seizure of Spanish property without any Authority for such an Act.

The Board therefore advise

1st That Copies of the Letters aforesaid and their inclosures be forthwith transmitted to our Delegates in Congress; with an earnest request to communicate them, in whole or in part, according to their discretion, immediately to that Body; to urge the speediest arrangements for a Treaty to be holden with the Indians in April next under the sanction of the foederal Government; and to propose as Commissioners General James Wilkinson, Colonel Richard Clough Anderson, and Colonel Isaac Shelby.

2nd That it be notified to General Clarke, that this Board disavow the existence of a power derived from them to the said Clarke to raise recruits, appoint Officers or impress provisions.

3^d That as the seizure of Spanish property was never authenticated to this Board before the receipt of the said Letters; so had it been known at a period sufficiently early for prevention, it would have been prevented. But that this Offence against the Law of Nations having been committed, it becomes the Executive to declare their displeasure at the Act, and to cause the national honor to be vindicated by the institution of legal proceedings against all persons appearing to be culpable: That the Attorney General be consulted on the documents a^d, and requested to take himself, or to call upon the Attorney General of Kentucky, as the case may require, to take such steps as may subject to punishment all persons guilty in the premises: That the said seizure of Spanish property be disclaimed by Government in a special proclamation: That a copy of this Order be also sent to our Delegates, in order that they may, if it shall seem expedient, acquaint the Minister of his Catholic Majesty with these Sentiments of the Executive: And that another Copy be forwarded to Thomas Marshal Esquire, and the other Gentlemen who concurred in the Letter aforesaid. All which several matters so advised, the Governor Orders accordingly.

Attest.

(Signed) A BLAIR C. C.

N^o 2

DANVILLE Decem^r 22. 1786.

SIR: Whatever general impropriety there may be in a few private Individuals addressing your Excellency, on subjects of public nature; we cannot resist those

such an Act," and that the Executive of that Commonwealth hath with great propriety, directed such steps to be taken "as may subject to punishment all persons guilty in the Premises." They also ordered a copy of the Act to be sent to their Delegates, that they might if it should seem expedient, acquaint the Minister of his

impulses of duty and affection which prompt us to lay before the Hon^{ble} Board at which you preside, a state of certain unwarrantable transactions, which we are apprehensive, may without the seasonable interposition of the Legislature, deeply affect the dignity, honor and interest of the Commonwealth.

The testimonials which accompany this will give Your Excellency a general idea of the outrage which has been committed at post Saint Vincennes, of the illicit views of M^r Green, and his Accomplices, and the negotiation, which has taken place, between General Clarke and the Wabash Indians.

We beg leave to add, that we have reason to believe, property has been plundered to a very considerable Amount, and that it has been generally appropriated to private purposes.

We are fearful that Green will find no difficulty, in levying auxilliaris in the titular State of Frankland, and the settlements on Cumberland, in the mean time, attempts are daily practised to augment the Banditti at S^t Vincennes, by delusive promises of Lands, bounty and Cloathing from the Officers appointed by General Clarke.

We beg leave to suggest to the serious consideration of Your Excellency, the necessity of carrying into effect, the Treaty proposed in April; for we fear, that the Savages when assembled, if they are not amused by a Treaty, or kept in awe by a Military force, at S^t Vincennes, will form combinations among themselves, hostile to this Country, and before they disperse, may turn their Arms, against our scattered Settlements, in such force as to overwhelm them. To the superior Wisdom, and the paternal care of the heads of Commonwealth we take the liberty of submitting the matters herein mentioned, in full confidence, that every necessary measure, will be immediately adopted. And have the honor to be with every Sentiment of respect Your

Excellencys Mo. Ob^t

A Copy	T. MARSHALL	CALEB WALLACE
Attest.	GEORGE MUTER	JOHN CRAIG
(Sign'd)	HARRY INNES	CHRIS ^R GREENUP
SAM: COLEMAN A.C.C.	EDMUND LYNE	JAMES GARRARD
	RICHARD C. ANDERSON	CHARLES EWING
	RICHARD TAYLOR	JOHN LOGAN
	JAMES WILKINSON	JOHN EDWARDS
	J. BROWN	

N^o 4.

The Deposition of Daniel Neeves being first sworn on the Holy Evangelists of Almighty God deposeseth and saith That he this Deponent was inlisted by a Cap^t

Catholic Majesty with the Sentiments of the Executive expressed in it.

From the Temper visible in some of the Papers sent from the Western Country, as well as from the Intelligence they convey, your Secretary apprehends that the period is not distant when the United States must

Thomas Mason as a Soldier in the Wabash Regiment, that he was summoned as one of a Guard by a Cap^t Valentine T. Dalton and was by him marched to a Store; and he the said Dalton by an Interpreter demanded of a Spanish Merchant to admit him the said Dalton into his Cellar. The Spaniard asked what he wanted? the said Dalton answered he was sent by the Commanding Officer to search his Cellar; it being at a late hour in the night the Spaniard lighted a Candle and opened his doors and went and opened his cellar door; the said Dalton with several others entered the Cellar, after some time he came out and placed this Deponent as a Guard over the Cellar, and took the rest of the Guard to another Store; that on the succeeding day the said Dalton came with a number of others and plundered the cellar of a large quantity of peltry, Wine, Taffy, Honey, Sugar, Tea, Coffee, Cordial, french Brandy, and sundry other Articles together with a quantity of dry goods the particular Articles this Deponent doth not at present recollect; that part of the goods was made use of to clothe the Troops, the remainder with the other articles was set up at public Auction and sold; that the sale was conducted by a certain John Rice Jones who, marched in the Militia Commanded by General Clarke as a Commissary General; And further this Deponent saith that he obtained a furlough dated the 24th day of November 1786 signed Valentine Tho^s Dalton Captain Commandant Ouabache Regiment of which the following, is a copy. "Daniel Neeves a Soldier in the Ouabache Regiment has liberty to go on furlough for two months from the date hereof at the expiration he is to return to his duty otherwise looked upon as a Deserter. November 24, 1786. Valentine Tho^s Dalton Captain Commandant Ouabache Regiment. To all whom it may concern." And further this Deponent saith not.

DANIEL NEEVES.

The above Deposition was sworn to before me this 20th day of December 1786
CHRIST^o GREENUP

A copy (Signed)
test SAMUEL COLEMAN A.C.C.

N^o 5

A Committee appointed to wait on General Clarke and receive from him such information as he thought proper to make respecting the establishment of the Corps at Post S^t Vincennes, of the seizure of Spanish property made at that place, and such other matters as they might think necessary, report

That they find by enquiry from General Clarke and sundry papers by him submitted to their Inspection that a Board of field Officers composed from the Corps employed on the late Wabash Expedition did in Council held at Post S^t Vincennes the 8 of October 1786, unanimously agree that a Garrison at that place would be

decide either to wage War with Spain, or settle all differences with her by Treaty, on the best Terms in their power. But as his Sentiments on this head have already been candidly and explicitly submitted to Congress, a repetition of them would be improper, because unnecessary.

of essential service to the district of Kentucky, and that supplies might be had in the District more than sufficient for their support, by impressment or otherwise, under the direction of a Commissary to be appointed for this purpose, pursuant to the Authority vested in the field Officers of the District by the Executive of Virginia. The same Board appointed M: John Craig Jun: a Commissary of Purchases and resolved that one field Officer and two hundred and fifty men, exclusive of the Company of Artillery to be commanded by Captain Valentine Thomas Dalton, be recruited to Garrison Post S: Vincennes. That Colonel John Holder be appointed to command the Troops in this service.

In consequence of these measures it appears to Your Committee that a Body of Men have been inlisted and are now recruiting for one Year; that General Clarke hath taken the Supreme direction of the Corps, but by what Authority doth not appear, and that the Corps hath been further Officered by Appointments made by General Clarke who acknowledges that the seizure of the Spanish property was made by his Order for the sole purpose of Cloathing, and subsisting the Troops, and that the goods seized were appropriated in this way. That John Rice Jones who acts as Commissary to the Garrison had passed receipts for the Articles taken. The General alledges that the Troops were raised for the security of the District, that he considers them subject to the direction of this Committee, who may discharge them if they think proper, but conceives this measure may prevent the proposed Treaty and involve this Country in a bloody War. He denies any intention of depredating on the Spanish possessions or property at the Illinois and declares that he never saw the intercepted Letter from Thomas Green. That he understood Green's Object was to establish a Settlement at or near the Gaso River under the Authority of the State of Georgia, that his view was by encouraging the Settlement to obtain a small grant of Land, and that he had no Idea of molesting the Spaniards or of attending Green in person. He informed the Committee that the Garrison now at post S: Vincennes is about one hundred strong and that the Merchants at the Illinois had determined to support it for which purpose they had sent for the Commissary Jones to receive provisions. That Major Bussaroon was sent to the Illinois to advise the Settlers there of certain Seizures made at Natchez of American property by the Spanish Commandant and to recommend it to them to conciliate the minds of the Indians, and be prepared to retaliate any outrage the Spaniards might commit on their property, but by no means to commence hostilities.

A Copy.

A Copy

THO: TODD. *Clk. Com.*

Test

SAM^l COLEMAN A.C.C.

He thinks that on the present occasion the following Resolutions would be adviseable, viz^t

Resolved That the United States in Congress Assembled learn with Concern and *displeasure*, that certain Citizens of the Commonwealth of Virginia, have in violation of the Laws of Nations, and of the peace and

N^o 6.

Extracts of General Clarke's Speeches to the different Nations of Indians on the Wabash and their answers in October 1786.

General Clarke, "I send you to day some strings of white inviting you with sincerity to come to a Grand Council which will be held at Clarksville of [on] the 20th November next to see if we can come to terms and make a treaty of peace and friendship &c."

The Goose and Tusil. "My elder Brother thou oughtest to know the place we have been accustomed to speak at, is at post S^t Vincennes there our Chiefs are laid, there our Ancestors Bed is and that of our father the French and not at Clarksville where you required us to meet you, we don't know such a place, but at post Vincennes where we always went when necessary to hold Councils. My elder Brother thou informest me I must meet you at the place I have mentioned, yet thou seest my Brother that the season is far advanced and that I could not have time to invite my allies to come to your Council which we pray to hold at post S^t Vincennes &c."

The Loon. "My elder Brother thou invitest us to a grand Council at Clarksville, we don't know that place; It is at post S^t Vincennes that our fathers used to go to speak and we hope you will not refuse it to us, that place being the Bed of our Ancestors and of Mons^r de Vincenne. In the Spring of the Year we will repair at your pleasure to post S^t Vincennes &c.

General Clarke, "I propose the last of April for the Grand Council to be held at this place (S^t Vincennes) where I expect all those who are inclined to open the roads will appear and we can soon discover what the Deity means."

Copied from Gen^l Clarke's papers by

HARRY INNES

A Copy

test

SAM COLEMAN A C. C.

N^o 7.

LOUISVILLE, FALLS OF OHIO

December 23^d 1786

HON^d AND RESPT^d SIR: Since I had the pleasure of writing my last many circumstances of alarming nature have turned up to view. The Commercial Treaty with Spain is considered to be cruel, oppressive and unjust. The prohibition of the navigation of the Mississippi has astonished the whole Western Country. To sell us and make us vassals to the merciless Spaniards is a grievance not to be borne; should we tamely submit to such manacles we should be unworthy the

dignity of that State, and of the United States, violently seized the property of certain Subjects of his Catholic Majesty at Fort S^t Vincennes.

Resolved That Congress approve of the Act of the Executive of Virginia, directing proper measures to be immediately taken for punishing the Offenders, and

name of Americans and a scandal to the Annals of its history. It is very surprizing to every rational person that the Legislature of the United States which has been so applauded for their assertion and defence of their rights and privileges should so soon endeavour to subjugate the greatest part of their dominion even to worse Slavery than even Great Britain presumed to subjugate any part of hers. Ireland is a free Country to what this will be when its navigation is entirely shut; We may as well be sold for Bondsmen as to have the Spaniards share all the benefits of our toils. They will receive all the fruits produce of this large, rich and fertile Country at their own prices (which you may be assured will be very low) and therefore will be able to supply their own markets and all the markets of Europe on much lower terms than what the Americans possibly can. What then are the advantages that the Inhabitants of the Atlantic shores are to receive? This is summed up in a very few words, their trade and navigation ruined and their bretheren labouring to enrich a luxurious, merciless and arbitrary Nation. Too much of our property have they already seized condemned and confiscated, testimonies of which I send you accompanying this. Our situation cannot possibly be worse therefore every exertion to retrieve our circumstances must be manly, eligible and just. The minds of the people here are very much exasperated against both the Spaniards and Congress. But they are happy to hear that the State of Georgia have protested against such vile proceedings therefore they have some hopes looking up to that State craving to be protected in our just rights and privileges. Matters here seem to wear a threatening aspect. The Troops stationed at post S^t Vincent by orders of General George R. Clarke have seized upon what Spanish property there was at that place also at the Illinois in retaliation for their many Offences.

General Clarke who has fought so gloriously for his Country and whose name strikes all the Western Savages with terror together with many other Gentlemen of merit engages to raise Troops sufficient and go with me to the Natchez to take possession and settle the lands agreeable to the Lines of that State at their own risque and expence, provided you in your infinite goodness will countenance them and give us the Lands to settle it agreeable to the Laws of your State. Hundreds are now waiting to join us with their Families seeking assylum for liberty and religion. Not hearing that the Lines are settled between you and the Spaniards we therefore wish for your directions concerning them and the advice of your superior wisdom. At the same time assuring you that we have contracted for a very large quantity of goods we hope sufficient to supply all the Indians living within the limits of Georgia. Trusting that we shall be able to make them independent of the Spaniards, wean their affections and procure their esteem for us

further that the Secretary at War be and he is hereby directed, to order the Commanding Officers of detachments in the Western Country, to afford the Government of Virginia such Aid as the Governor may from time to time require and specify, for keeping the peace, and duly executing the Laws of that Commonwealth throughout its Western Jurisdiction, and further that

and the United States as we expect to take the Goods down with us. We earnestly pray that you would give us full liberty to trade with all those Tribes and also to give your Agents for Indian Affairs all the necessary instructions for the prosperity of our scheme. The Season for the Indian Trade will be so far advanced that I wait with very great Impatience.

General Clarke together with a number of other Gentlemen will be ready to proceed down the river with me on the shortest notice therefore hope and earnestly pray that you will dispatch the Express back with all possible speed with your answer and all the encouragement due to so great an undertaking. As to the farther particulars I refer you to the Bearer M^r William Wells a Gentleman of merit who will be able to inform you more minutely than I possibly can of the sentiments of the people of this Western Country.

Sir I have the honor to be your honor's &c.

THOMAS GREEN

P.S.

HONBLE SIR: As my Family together with others are now at the Natchez I earnestly pray that if you have given up your Claim of that Country to the Spaniards that you would enable us to withdraw them together with our effects from under that despotic Government.

T. G.

P. S.

HONBLE SIR: The amazing bad travelling at this Season of the Year from the streams being high and the roads bad and the danger of the Savages so great that I could not prevail with a trusty person to undertake the Journey under sixty pounds which you will please to pay to the Bearer M^r Wells, who I have prevailed upon through his zeal for the cause.

THOMAS GREEN

To the the Hon^{ble} The Governor, the Council and Legislature of the State of Georgia.

LOUISVILLE *December 4, 1786.*

Jefferson County Ss.

Whereas W^m Wells is now employed by Colonel Thomas Green and others to go to Augusta in the State of Georgia on public Business and it being uncertain whether he will be paid for his journey out of the public Treasury should he not be on his return, We the Subscribers do jointly and severally for value received

they be careful, on due proof, to apprehend and deliver to the Government of Virginia, all such of the said Offenders as may be in the Dominions of the United States, without the proper limits of either of the States.

Resolved That although no Representations on this Subject have as yet been made to Congress, by, or on

promise to pay him on demand the several sums that are affixed to our names as witness our hands.

James Huling.....	£1	Thomas Green.....	£10.....
David Morgan.....	1	John Williams.....	1.....
John Montgomery.....	1.	George R. Clarke.....	10.....
Ebenezer S. Platt.....	1. 10	Lawrence Muse.....	3.....
Robert Elliott.....	" 10	Ri ^d Brashears.....	5.....
Thom ^s Stribbling.....	1. 10	James Patton.....	3.....
	<hr/>		
	£38. 10		

DANVILLE December 22nd 1786

We do certify the foregoing papers to be true copies of the papers shewn to us by W^m Wells the person referred to by Tho^s Green in the said Letter.

A Copy
Test
(Sign'd)
SAM^l COLEMAN A.C.C.

HARRY INNES
J. BROWN
CHRIS^t GREENUP

N^o 8.

WASHINGTON February 16th 1787.

SIR: A paper was handed to me a few days ago, by a Gentleman who had lately been in the Country below us called Frankland. From what I learned from him, great pains was taking to circulate Copies; giving them an Air of Secresy.

The Object seemed to be aimed at, and the consequences that may ensue, direct me to judge it to be my duty to forward to Your Excellency the inclosed Copy.

I have the honor to be, &c.

ARTHUR CAMPBELL.

HIS EXCELLENCY EDMUND RANDOLPH
Governor of Virginia.

A Copy
Test
SAM COLEMAN A.C.C.

A Copy of a Letter from a Gentleman at the falls of Ohio, to his friend in New England, dated December 4th 1786.

DEAR SIR: Politicks which a few months ago were scarcely thought of are now sounded aloud in this part of the world, and discussed by almost every person. The late Commercial Treaty with Spain, in shutting up, as it is said, the naviga-

the part of his Catholic Majesty, yet as their ready attention to whatever may affect the Friendship happily subsisting between him and them, will manifest the sincerity of their desire to maintain it, the Secretary for foreign Affairs be and he hereby is directed, to transmit Copies of this and the foregoing Resolutions

tion of the Mississippi, for the term of twenty five years, has given this Western Country an universal shock; and struck its Inhabitants with an amazement. Our foundation is affected; it is therefore necessary, that every individual, exert himself to apply a remedy. To sell us and make us Vassals to the merciless Spaniards, is a grievance not to be borne. The parliamentary Acts, which occasioned our revolt from Great Britain, were not so barefaced and intolerable. To give us the liberty of transporting our effects, down the river to New Orleans, and then be subject to the Spanish Laws, and impositions, is an insult upon our understanding. We know by woeful experience, that it in their power, when once there, to take our produce at any price they please. Large quantities of Flour, Tobacco, Meal &c. have been taken there the last Summer, and mostly confiscated. Those who had permits from their Governor, were obliged to sell at a price he was pleased to state or subject themselves to lose the whole. Men of large property are already ruined by their policy. What benefit can you on the Atlantic shores receive from this Act? The Spaniards from the amazing resources of this river, can supply all their own markets, at a much lower price, than you possibly can. Though this Country has been settling but about six years, and that in the midst of an inveterate Enemy, and most of the first adventurers fallen a prey to the Savages, and although the emigration to this Country is so very rapid, that the internal Market is very great, yet the quantities of produce they now have on hand are immense. Flour and Pork are now selling here at twelve shillings the hundred, Beef in proportion, any quantities of Indian Corn can be had at nine pence per Bushel. Three times the quantity of Tobacco and Corn can be raised on an Acre here, that can be within the settlement on the east side of the mountains, and with less cultivation. It is therefore rational to suppose that in a very few years, the vast bodies of Waters in those Rivers, will labour under immense weight of the produce of this rich and fertile Country, and the Spanish Ships be unable to convey it to market.

Do you think to prevent the emigration from a barren Country loaded with Taxes and impoverished with debts to the most luxurious and fertile Soil in the world? Vain is the thought and presumptuous the supposition! you may as well endeavour to prevent the fishes from gathering on a Bank in the Sea which affords them plenty of nourishment. Shall the best and largest part of the United States lie uncultivated, a nest for Savages and beasts of prey? Certainly not: Providence has designed it for some nobler purposes. This is convincing to every one, who beholds the many advantages and pleasing prospects of this Country. Here is a Soil, richer to appearance than can possibly be made by Art. Large plains and meadows without the labour of hands sufficient to support millions of Cattle summer and winter; cane which is also a fine nourishment for them without

to the Encargado de Negocios of his Catholic Majesty now here, and also to the Chargé des Affaires of the United States at Madrid.

It appears to your Secretary to be most consistent with the principles of the Confederation, and with the dignity of Congress, that individual States forbear to make formal Representations or Communications to foreign Ministers or powers, but through and by means of the fœderal Sovereign.

bounds. The Spontaneous production of this Country surpasses your imagination. Consequently I see nothing to prevent our Herds, being as numerous here in time, as they are in the Kingdom of Mexico. Our Lands to the northward of the Ohio for the produce of Wheat &c. will I think vie with the Island of Sicily. Shall all this Country now be cultivated entirely for the use of the Spaniards? Shall we be their Bondmen as the Children of Israel were the Egyptians? Shall one part of the United States be Slaves while the other is free? Human nature shudders at the thought, and freeman will despise those who could be so mean as to even contemplate on so vile a Subject.

Our Situation is as bad as it possibly can be, therefore every exertion to retrieve our Circumstances must be manly, eligible and just.

We can raise twenty thousand troops this side the Aleghany and Apalachian Mountains and the annual increase of them by emigration, from other parts, is from two to four thousand.

We have taken all the Goods belonging to the Spanish Merchants at post Vincennes and the Illinois, and are determined they shall not trade up the river provided they will not let us trade down it. Preparations are now making here (if necessary) to drive the Spaniards from their settlements, at the mouth of the Mississippi. In case we are not countenanced and succoured by the United States (if we need it) our allegiance will be thrown off, and some other power applied to. Great Britain stands ready with open arms to receive and support us. They have already offered to open their resources for our supplies. When once reunited to them "farewell, a long farewell to all your boasted greatness." The province of Canada and the Inhabitants of these waters, of themselves, in time, will be able to conquer you. You are as ignorant of this Country as Great Britain was of America. These hints if rightly improved, may be of some service, if not blame yourselves for the neglect.

A Copy

Test

SAM COLEMAN A.C.C.

The papers¹ communicated to Congress by the Honorable y^e Delegates of North Carolina, shew

That on the 6th June 1786 Thomas Amis of that State arrived at the Natches on the Mississippi, with Sundry

¹ Papers of North Carolina, which are in the *Papers of the Continental Congress*, no. 72, pp. 269 ff., were entered as footnotes in the *Secret Journal*, as follows:—

The Undersigned Delegates in Obedience to the Commands of the State of North Carolina have the honor to lay before Congress, the papers hereinafter mentioned; to the end that the United States in Congress Assembled, may take such Order thereon as the information may justify.

N^o 1. A Letter of the 15 of Nov^r 1786, from Thomas Amis to the Governor of North Carolina with papers enclosed respecting the seizure and confiscation of sundry Articles of Merchandize, his property; for the use of the Crown of Spain at Fort Natchez on the Mississippi; Obviously within the dominion of the United States.

2. The deposition of Thomas Amis.

3. A Certificate of the Merchandize, from the Spanish Officer, who received the same.

4. A passport from the Commandant of Fort Natchez expressive of the gentlemanly behaviour of M^r Amis during his stay at y^e Natchez.

To this information the Delegates have thought proper to subjoin the Extract of a Letter N^o 5 from a Representative of Davidson County in the General Assembly of North Carolina, directed to the honorable William Blount and Benjamin Hawkins.

CONGRESS CHAMBER the 29 March 1787.

(Sign'd) W^m BLOUNT
BENJAMIN HAWKINS
JOHN B. ASHE

N^o 1.

November 15, 1786. POWELS VALLEY

DEAR AND WORTHY SIR: I am on my way home from Mississippi, which I have found a very tedious and precarious journey by Land, contrary to my Inclination and Interest, as you will find by the enclosed deposition, as to particulars I refer you to my friend Col^l Bledsoe with whom I have travelled from Kentucky. I send the enclosed in order that Your Excellency should communicate the same to Congress or take such other necessary steps as you in your wisdom think meet for public good as I never expect to be benefited any thing by that small venture, nor any other trade down the Mississippi under the present Government there. I hope you'll excuse my short and incorrect writing, as Col. Bledsoe is much hurried to the Assembly and will not be prevailed on to call on me to stay one hour

I am with sincere regard,
Your most Obe^t &c.

(Sign'd) THO^s AMIS.

His Excellency
RICH^d CASWELL Esq.

Articles of Merchandize which he purposed to carry down, and out of the River. And that he was stopped, and his Merchandize taken from him by the Spanish Officer Commanding there.

It is well known that Spain will not permit our people to navigate that part of the River which runs through their Countries, and such of them as make the experiment must expect consequences similar to those which M^r Amis experienced.

N^o 2. This day, Thomas Amis personally appeared before me a Justice of the Peace for Davidson County, and made Oath on the Holy Evangelists of Almighty God. That on the sixth day of June last past he arrived at Fort Natchez on the Mississippi with sundry Articles of Merchandize as per Receipt from the Spanish Commissary hereto annexed. Which Goods the said Deponent saith he proposed to the Spanish Commandant to carry out of the mouth of the River, but was refused the benefit of the navigation of Mississippi, and the said Goods were seized and confiscated for the use of the Crown of Spain. And this Deponent farther saith that he received no Satisfaction for said Goods.

THO^s AMIS.

Sworn to before me this 15 November 1786, before me

DAN^l SMITH.

N^o 3. Account of Castings deposited in public Store at Natchez

142 Dutch Ovens 11
 53 Potts and Kettles
 34 Skillets 2
 33 Cast Boxes
 3 p^r Dogg Irons
 1 p^r Flat Irons
 1 Spice Mortar 1
 1 plough Mold 1
 50 Barrels Flour

N^o 4

Translation.

Don Carlos de Grandpré Lieut Colonel of His Majesty's Armies Captain of the first Company of Granadiers, of the Louisian Regiment of Infantry, Commandant Civil and Military of Fort Natchez and its District &c.

Permit M^r Thomas Amis, his Son John Amis and two Negroes belonging to them, and the named William Fletcher, to pass into North Carolina to their Families, I desire and charge they may be permitted to pass unmolested as the said M^r Amis, has while his stay here behaved himself as a Gentleman and man of strictest honor. Given under my hand this 29th of August 1786.

(Sign'd) CHARLES DE GRAND PRÉ

Translated by Stephen Minor

Your Secretary is convinced that the United States have good right to navigate the River from its source to, and through its Mouth; and unless an Accommodation should take place, that the dignity of the United States and their duty to assert and maintain their rights, will render it proper for them to present a Memorial and Remonstrance to his Catholic Majesty, insisting on their right, complaining of its being violated, and demanding in a temperate, inoffensive but at the same time in a firm and decided manner, that his Majesty do

N^o 5FAYETTEVILLE the 29th of December 1786.

An Extract

You told us and particularly Col. Hawkins while he was negotiating with the Southern Indians that every thing would go well within the present year, as the Spanish Minister was now with Congress to settle any differences that might Subsist between us. Our people relying on your predictions and advice are still patient. But how long they may continue so you will probably be able to judge when you shall have received some propositions which will be made to you. M^r Amis whom you know has been on a losing voyage down the Mississippi; the Governor has his papers and will lay them before you and Congress. When he returned from the Natches and told his misfortunes to the people of Davidson, they at first determined to retaliate be the consequence ever so hazardous. But the wise ones persuaded them not to imitate their friends of Kentucky, and to wait patiently until some advice could be received from Congress, or until we could see or hear from you. The Legislature will rise within ten days, and we will write more fully to you then. Col. Robertson, Col! Polk and myself will return immediately to Nashville. Robertson will write to Col. Blount respecting his Lands, and we count on seeing him at Nashville in the Summer. I was requested and have sent an Extract of the Letter to Col. Hawkins, to the Printers at Richmond if it should appear in print you can Account for it. Pray write to us by every opportunity by the way of Fort-pitt and the falls to the care of Gen^l Wilkinson. With a sincere desire for your welfare and happiness, I have the honor to be in behalf of all Representatives,

Gentlemen Your most Obedient

P. S.

We have received Col. H's Letter of the 27th from Warren his opinion on the report respecting the giving the navigation of the Mississippi to Spain is very pleasing to us and will be so to our Constituents, you may depend on our exertions to keep all things quiet, and we agree entirely with you, that if our people are once let loose there will be no stopping them, and that Acts of retaliation poison the mind, and give a licentiousness to manners, that can with great difficulty be restrained.

cease in future to hinder their Citizens from freely navigating that River, through the part of its Course in question. Your Secretary is further of opinion, that in case of refusal, it will be proper for the United States then to declare War against Spain.

There being no reputable middle way between peace and War, it will be expedient to prepare without delay for the one or the other; for Circumstances which call for decision seem daily to accumulate.

If Congress conceive that a Treaty with Spain on the Terms proposed is eligible, the sooner such sentiments are communicated to your Secretary the better. If an Idea of obtaining better Terms should be entertained, the sooner that question can be decided the better, and for that purpose Your Secretary thinks it would be well, either to place some other Negotiator in his Stead, or to associate one or more persons with him in the Business, any manner of conducting it most advantageous and most satisfactory to his Country, will always be the manner most pleasing and agreeable to him.

With respect to prescribing a Line of conduct to our Citizens on the Banks of the River your Secretary is embarrassed. If War is in expectation, then their Ardor should not be discouraged, nor their Indignation diminished. But if a Treaty is wished and contemplated, then those people should be so advised and so restrained as that their Sentiments and conduct may as much as possible be made to quadrate with the Terms and Articles of it. Your Secretary cannot forbear to express his Solicitude that this very important and consequential Business may not be left in its present situation, the Objects involved in it are of great magnitude, and effects must and will result from it, by which

the prosperity of America will be either greatly advanced, or greatly retarded. He also takes the liberty of observing, that a Treaty disagreeable to one half of the Nation had better not be made, for it would be violated, and that a War disliked by the other half, would promise but little success, especially under a Government so greatly influenced and affected by popular Opinion.

The foregoing reports being read

A motion was made by M^r [James] Madison seconded by M^r [Benjamin] Hawkins, that the same be referred to a Committee.

And on the Question for committment the yeas and nays ¹ being required by M^r [Rufus] King,

<i>Massachusetts</i>			<i>Delaware</i>	
M ^r King	no	}no	M ^r Kearny	ay *
M ^r Dane	no		<i>Virginia</i>	
<i>Rhode Island</i>			M ^r Grayson	ay
M ^r Varnum	ay	}ay	M ^r Carrington	ay
M ^r Arnold	ay		M ^r Madison	ay
<i>Connecticut</i>			<i>North Carolina</i>	
M ^r Johnson	no	}no	M ^r Hawkins	ay
M ^r S. M. Mitchell	no		M ^r Ashe	ay
<i>New York</i>			<i>South Carolina</i>	
M ^r Smith	no	}no	M ^r Huger	ay *
M ^r Benson	no		<i>Georgia</i>	
<i>Pensylvania</i>			M ^r Few	ay
M ^r St. Clair	no	}ay	M ^r Pierce	ay
M ^r Pettit	ay			
M ^r Irvine	ay			

So the Question was lost.

¹ A memorandum of the vote, in the writing of Roger Alden, is in *Papers of the Continental Congress*, No. 36, IV. p. 11.

¹ MONDAY, APRIL 16, 1787.

Three states only attended namely Massachusetts, Rhode island and Virginia and from Connecticut M^r [William Samuel] Johnson from New York M^r [John] Haring from Pennsylvania M^r [Charles] Pettit from North Carolina M^r [Benjamin] Hawkins and from Georgia M^r [William] Pierce.

TUESDAY, APRIL 17, 1787.

Six states attended namely Massachusetts Rhode island New York Virginia North Carolina and Georgia and from Connecticut M^r [William Samuel] Johnson from New Jersey M^r [Abraham] Clarke from Pennsylvania M^r [Charles] Pettit and from Delaware M^r [Dyre] Kearny.

WEDNESDAY, APRIL 18, 1787.

Congress assembled present Massachusetts Rhode island Connecticut New York New Jersey Pennsylvania Virginia North Carolina and Georgia and from Delaware M^r [Dyre] Kearny.

M^r John Armstrong a delegate for Pennsylvania attended and produced credentials whereby it appears that on the 24 March last he was appointed a delegate to represent the said state.

[Credentials of John Armstrong, Pennsylvania.²]

In the Name and by the Authority of the Freemen of the Commonwealth of Pennsylvania.

¹ Charles Thomson resumes the entry.

² The original credentials, on parchment, read April 18, 1787, in *Papers of the Continental Congress*, Pennsylvania Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, p. 212.

The Supreme Executive Council, of the said Commonwealth,
To The Honorable John Armstrong junior Esquire

Whereas, The General Assembly of this Commonwealth have, by
their Act of the twenty fourth Day of March in the Year of
our Lord one thousand seven hundred and eighty seven
elected you a Delegate to represent this State in the Con-
gress of the United States, You are therefore hereby commission-
ated as such.

Given in Council, under the Hand of His Excellency Benjamin
Franklin esquire, President, and the Seal of the State, at Philadelphia,
this tenth Day of April in the Year of our Lord one thousand seven
hundred and eighty seven.

Attest

JAMES TRIMBLE
for JOHN ARMSTRONG J^r Sec^y

[Report of Board of Treasury of draft of ordinance for settling
accounts.¹]

The Board of Treasury to whom was referred a Motion for Repeal-
ing the Ordinance of the 13th of October last, and that the Board be
directed to Report an Ordinance for the expeditious and equitable
Settlement of the Accounts between the United States, and the
Individual States,

Beg leave to Report the following Ordinance,

Be it Ordained by the United States in Congress Assembled.

That five Commissioners be appointed whose duty it shall be to go
to the several Districts hereafter mentioned, for the purpose of Stat-
ing the Accounts of the several States within those Districts against
the United States.

That the States of New Hampshire, Massachusetts, Connecticut
and Rhode Island, form one District.

That the State of New York and New Jersey form one District.

That the States of Pennsylvania, Delaware and Maryland, form
one District.

¹ *Papers of the Continental Congress*, No. 139, pp. 505-510, read April 18, 1787.
April 20 assigned for second reading. Read a second time May 4 and passed
with amendments May 7, 1787. The covering letter of the Board, also read, is
in *Papers of the Continental Congress*, No. 140, II, p. 419. See March 29, 1787
for motion on the subject.

That the States of Virginia and North Carolina, form one District,
and

That the States of South Carolina and Georgia, form one District.

And be it further Ordained That be and he is hereby
appointed Commissioner of Accounts for the four Eastern States.

That be, and he is hereby appointed Commissioner of
Accounts for the States of New York and New Jersey.

That be, and he is hereby appointed Commissioner for
the States of Pennsylvania Delaware and Maryland.

That be, and he is hereby appointed Commissioner of
Accounts for the States of Virginia and North Carolina.

That be, and he is hereby appointed Commissioner of
Accounts for the States of South Carolina and Georgia.

That it shall be the duty of the said Commissioners to receive of
the respective States for which they are appointed all their Accounts
and Vouchers for payments made on account of Bounties, Pay, and
Depretiation of Pay to the late Army of the United States; and for
Advances to the Militia called out under the Authority of the said
States, and actually in their Service; and to give descriptive acknowl-
edgments thereof to the States, from which they may be received;
which Accounts and Vouchers shall be immediately forwarded to
the Commissioner of Army Accounts, whose duty it shall be to ex-
amine and pass such as are authorised by the Resolves of Congress
and supported by proper Vouchers; and to state such as may not fall
under the above description, together with such remarks as may tend
to elucidate the nature of these Claims.

That it shall further be the duty of the said Commissioners to
receive in like manner, the Accounts and Vouchers for Monies paid
on the Requisitions of Congress, previous to October 1781, and to
forward the same to the Office of the Comptroller of the Treasury,
whose duty it shall be to reduce the same to Specie value agreeably
to the rate of Exchange prevailing in the State at the time when
Payments were made.

That it shall also be the duty of the said Commissioners to receive
and examine all the Claims of the States to which they are appointed,
against the United States, for Advances or Disbursements by them
made for the Use of the late Commissary, Quarter Masters, Clothing,
Marine and Hospital Departments, or under any other description
whatsoever, to pass upon all such as are authorised by the Resolves
of Congress and supported by proper Vouchers (so far as it respects

the Evidence offered in support of the said Claims) and to state such as are not thus warranted, or supported, together with such remarks as may explain the nature of these Accounts, and the reasons offered for the deficiency of Vouchers.

And be it further ordained by the Authority aforesaid That on all the Accounts aforesaid, Interest shall be Allowed at the rate of Six per Cent per Annum, agreeably to the Resolves of Congress.

And Whereas it is essential to the Welfare of the Confederacy, that the Accounts of the several States should be speedily Adjusted; that this adjustment should be effected on uniform Principles, and that provision should be made for allowing such Disbursements as may have been made by the respective States for the benefit of the Union, although the same be not sanctioned by the Resolves of Congress or supported by regular vouchers.

Be it therefore Ordained, That the several States be, and they are hereby limited to the space of six Months for exhibiting to the proper Commissioner, their Claims against the United States of whatever nature the same may be; and that such States as may neglect to exhibit the same within that period of time, after the Commissioner has notified to the Supreme Executive thereof, that he is ready to proceed on the Business of his Commission, shall be precluded from any future Adjustment; but shall nevertheless stand chargeable with all Advances of Money or other Articles, which may have been made to them respectively by the United States, and with what ever Balances may be yet due on their several Quotas of the general Requisitions.

And be it further Ordained, That the said Commissioners of Districts, shall within Twelve Months after they enter on the duties of their several Appointments, repair to the place, where the United States in Congress may hold their Sessions, with such Accounts and Vouchers as they may have in possession, and deliver the same to the Comptroller of the Treasury; on which their Commission shall terminate.

Be it further ordained, That on day of Commis-
sioners be appointed by the United States in Congress Assembled, whose duty it shall be to receive from the Comptroller of the Treasury, and from the Commissioner of Army Accounts, all the Accounts and Claims of the several States deposited in their respective Offices; and to Examine such of the said Accounts as have been past by the Commissioners of the several Districts, in order that the same may

be finally Adjusted on uniform principles: Provided that such revision of the Accounts abovementioned, shall not in any wise effect the validity of the Vouchers admitted by the Commissioners of the respective Districts.

And be it further Ordained, That wherever it shall appear to the said Commissioners, that disbursements of the description aforesaid, have been made by any of the States, for Articles or Services, for the Use of the United States, or which have had an evident tendency to promote the general Welfare of the Union; that the said Commissioners be, and they are hereby vested with full power and authority to make such Allowance for the same as they shall think consistent with the principles of general equity; although the same be not supported by regular Vouchers.

And be it further Ordained, That the determination of a Majority of the aforesaid Commissioners on the Claims submitted to them, shall be final and conclusive.

And be it further Ordained, That the Pay of the Commissioners of Districts, shall be at the rate of Twelve hundred and fifty Dollars per Annum; and that of their Clerks at a rate not exceeding Four hundred and fifty Dollars per Annum each.

That the Commissioners who form the Board shall be allowed respectively at the rate of per Annum; and that their Commission (unless sooner revoked) shall continue in force for One Year and a half, to be computed from the time of their Appointment.

And be it further Ordained, That all persons employed, or to be employed, in pursuance of this Ordinance shall previous to entering on the duties of their Office, take and Subscribe the usual Oath of Office, Certificates of which shall be deposited with the Secretary of Congress.

And be it further Ordained, That the Ordinance of the 13th of October 1786, entitled "an Ordinance for Establishing a Board to Liquidate and Settle all Accounts between the United States, and Individual States" be, and it is hereby Repealed.

All which is humbly Submitted.

SAMUEL OSGOOD

April 16th 1787.

WALTER LIVINGSTON

An Ordinance for settling the Acc^{ts} between the United States and individual States was read a first time.

Ordered that Friday next be assigned for the Second reading of the said Ordinance.

[Motion of Mr. King respecting the requisition and loan ¹]

Whereas

Resolved that the requisition for 530,000 Dollars passed on the 21. of Oct. last together with the Resolve directing the B. of T. to open a loan for that sum on the Credit of y^e said Req.² be and hereby are repealed

Resolved that all monies advanced by any of the States for the recruiting subsisting or cloathing of the Troops directed to be raised by the Resolution of the 20th of Oct. be credited to the States respectively on the Req. of the 27 Sep:¹ 1785

[Motion of Mr. Madison on a Minister to Spain ³]

Resolved that the present State of the negociations with Spain, and of the Affairs of the United States, renders it expedient that the Minister Plenipotentiary at the Court of France, should proceed under a special Commission to the Court of Madrid there to make such representations, and to urge such negociations, as will be most likely to impress on the said Court the friendly disposition of the United States, and to induce it to make such concessions and arrangements touching the Southern limit of the U. S. and their right to navigate the Mississippi below the same, and to enter into such commercial stipulations with the United States, as may most effectually guard ag^t a rupture of the subsisting harmony, and promote the mutual interests of the two nations.

Resolved that the Secretary for the department of Foreign Affairs prepare and report the instructions proper to be given to the said Minister Plenipotentiary, with a proper commission and letter of credence; and that he also report the communications and explanations which it may be advisable to make to M^r Guardoqui relative to this change in the mode of conducting the negociations with his Court.

¹ *Papers of the Continental Congress*, No. 29, p. 227, in the writing of Mr. Rufus King. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 145, it was referred to the Board of Treasury to report. Report rendered April 21. See May 3, 1787.

² See *Journals*, vol. XXXI, pp. 894-895. The requisition was for \$530,000 and the loan for \$500,000.

³ *Papers of the Continental Congress*, No. 81, III, p. 95, in the writing of Mr. James Madison. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 145, it was referred to the Secretary for Foreign Affairs to report. Report rendered April 20, 1787. See April 13, 1787.

[Report of Board of Treasury on memorial of F. Mentges ¹]

The Board of Treasury to whom was referred the Memorial of Francis Mentges, late a Lieutenant Colonel in the Service of the United States,

Beg leave to Report,

That Colonel Mentges claims a compensation for Extra Services, whilst Superintending the Hospitals in the State of Virginia, from the 5th of November 1781, to the 28th of March 1782, and produces in support of his Claim, a Letter from the late Commander in Chief, in which he is considered as transacting this duty.

That he has not exhibited the orders of the Commander in Chief to shew when this duty commenced; or offered any Evidence of the time when it ended.

On the above Statement the Board beg leave to Observe, That previous to the 1st of February 1781, it was not unusual for the Commander in Chief to order compensation to be made to Officers, on account of Extra Service, under the Resolution² of the 4th September 1778, which was Repealed at the period first mentioned.

That as the Act³ of Congress of the 2^d November 1785, has limited the Adjustment of any Claims to the 1st day of August 1786, it would be improper in the Opinion of this Board, to establish a precedent for admitting Claims for Extra Services in the Military Line, whose extent cannot be ascertained; and which are altogether unauthorised by any Acts of Congress; The Board therefore submit to the consideration of Congress, the following Resolve.

That the Memorial of Francis Mentges, late a Lieutenant Colonel in the Pennsylvania Line, be dismissed; the Prayer thereof being inadmissable. [dismissed]

All which is humbly Submitted.

SAMUEL OSGOOD
WALTER LIVINGSTON

April 17th 1787.

¹ *Papers of the Continental Congress*, No. 138, II, pp. 141-142, read April 18, 1787 and passed August 20, 1788. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 495. See March 1, 1787.

² *Journals*, vol. XII, p. 878.

³ *Journals*, vol. XXIX, p. 866.

[Report of Board of Treasury on memorial of L. Wallingford ¹]

The Board of Treasury to whom was referred the Memorial of Lydia Wallingford, Widow of Samuel Wallingford, late an Officer of Marines on Board the Continental Ship Ranger,

Beg leave to Report,

That the Petitioner Claims the benefit of a Resolve of Congress, granting to the Widows of Officers, who have died in the Service of the United States, half Pay for Seven Years and that she may receive the proportion of Bounty to which her deceased Husband was entitled by certain Resolves of Congress, for the Guns and Men captured by the Ranger, during the time her deceased Husband served on board the said Ship.

On the above Application, The Board beg leave to Report,

That the Act ² of Congress of the 28th November 1775 directs, That where any Officer or Seaman, shall be killed in the Service of the United States, the Widow shall receive a certain Sum, to be deducted from the net proceeds of the Prize Money, previous to its distribution, together with the Deceaseds Share of the Prize Money.

That by the Resolve ³ of Congress of the 26th of August 1776, Provision is made for such Officers and Seamen, as may lose a Limb or be otherwise disabled; but that it does not appear, that it has ever been extended to the Widows of such as were Killed in the Service of the United States.

That the Act ⁴ of the 24th August 1780 (on which the Memorialist appears to found her Claim) is confined to Officers in the Line of the Army of the United States.

Under the above circumstances the Board beg leave to Observe,

That the only compensation to which the Memorialist is entitled, in consequence of the Loss of her Husband in the Service of the United States, is Three hundred Dollars, as Established by the Act ⁵ of Congress of the 28th November 1785; but, as it appears from a Certificate of Supply Clap, and William Gardner, that they were appointed Agents for the Crew of the Ship Ranger, the Claim for the

¹ *Papers of the Continental Congress*, No. 138, II, pp. 483-485. The covering letter of the Board, read April 18, 1787, is on p. 487. See March 15, 1787.

² *Journals*, vol. III, pp. 386-387.

³ *Journals*, vol. V, pp. 702-705.

⁴ *Journals*, vol. XVII, p. 773.

⁵ There is no act of this date. Apparently the year should be 1775.

above compensation lays against the said Agents, and not against the United States.

With respect to the proportion of Bounty for Guns and Men to which the Husband of the Memorialist may be entitled, the Commissioner for the Marine Department is fully authorised to Settle the same on the proper Vouchers in support thereof being produced at his Office.

All which is humbly Submitted

April 16th 1787.

SAMUEL OSGOOD
WALTER LIVINGSTON

[Letter of Secretary at War on usurpation of public lands ¹]

WAR OFFICE April 16th 1787.

SIR: I have honor to inform Congress that I have received a letter from Colonel Harmar dated the 18th March at Fort Pitt. He was then on a tour visiting the posts under his command, and was about going down the Ohio to the post at the rapids, from which he expected to return to the Muskingum, about the middle of May.

He says "that he has had some conferences with General Butler, and from all accounts, matters seem to bear a more favorable aspect with the savages than they hitherto have done."

He has also transmitted the enclosed extract of a letter from Major Wyllys who is stationed at the Rapids of the Ohio. The usurpation of the public lands by a body of armed men highly deserves the attention of Congress. If such audacious defiance of the power of the United States be suffered with impunity a precedent will be established, to wrest all the immense property of the western territory out of the hands of the public.

I have the honor to be, etc.,

H KNOX

His Excellency

THE PRESIDENT OF CONGRESS.

¹ *Papers of the Continental Congress*, No. 150, II, p. 307, read April 18, 1787. The copy of letter of Major John P. Wyllys to Colonel Harmar, February 6, 1787, is on pp. 303-304. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 145, the letter was referred back to the Secretary at War to report. Report rendered April 20, 1787.

[Letter of Secretary for Foreign Affairs transmitting letters of
Mr. Jefferson ¹]

OFFICE FOR FOREIGN AFFAIRS

18th April 1787

SIR: I have the Honor of transmitting to your Excellency herewith enclosed the Letters ² I received from M^r Jefferson by the last Packet, of the 12th Novem^r, 31st December, 9th January, 1st February and 8th February last, with the Papers referred to in them, and Translations of such as are in french.

With great Respect and Esteem I have the Honor to be, etc.,

JOHN JAY.³

His Excellency

THE PRESIDENT OF CONGRESS.

¹ *Papers of the Continental Congress*, No. 80, III, p. 221, probably read April 18, 1787.

² The letter of November 12, 1786 is in *Papers of the Continental Congress*, No. 87, I, p. 766, with its enclosure, a Memoire, pp. 770-778 and translation pp. 782-787. That of December 31, 1786, *ibid.* pp. 790-792, with enclosures pp. 794, 798-803 and a translation p. 806. Copies of those of January 9 and February 1, 1787 are in *Papers of the Continental Congress*, No. 107, I, pp. 418-439, and that of February 8, 1787, in *Papers of the Continental Congress*, No. 107, II, p. 1. See April 20 and 23, 1787.

³ APRIL 18, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 145, the following petitions were referred to the Board of Treasury to report:

Memorial of David S. Franks, April 17, 1787, read April 18, relative to the settlement of his accounts. *Papers of the Continental Congress*, No. 41, III, pp. 362-363. Report rendered and acted on May 8, 1787.

Petition of Sylvanus Townsend, Amos Underhill and John Butler, read April 18, 1787. *Papers of the Continental Congress*, No. 42, VII, pp. 485-486. Report rendered July 17, 1787. See act of October 26, 1787.

Also according to the *Committee Book*, p. 142, Mr. Nathan Dane was appointed to the committee of March 29, 1787 on Illinois papers, in the room of Mr. William Irvine.

According to indorsement the following letters were read:

Letter of Governor Edmund Randolph to the Delegates of Virginia, March 27, 1787 respecting the Cherokee Indians. *Papers of the Continental Congress*, No. 71, II, p. 479. The enclosures, copies of a letter of Joseph Martin to Randolph and a speech of Randolph to the Indians, also read, are on pp. 483-484, and 487-488.

Letter of Thomas Hutchins to President of Congress, dated and read April 18, 1787, transmitting a plan of four ranges of townships surveyed in the Western territory in 1786. *Papers of the Continental Congress*, No. 60. p. 301.

THURSDAY, APRIL 19, 1787.

Congress assembled. Present as yes[ter]day.

M^r Henry Lee a delegate for Virginia attended and produced his Credentials by which it appears that on the first of December last he was appointed a delegate for that state until the first Monday in November next.

[Credentials of Henry Lee, jr., Virginia ¹]

Virginia to Wit.

The General Assembly of this Commonwealth, on the first Day of December One thousand seven hundred and Eighty six, by joint ballot of both Houses, Elected Henry Lee jun^r esquire, a Delegate to serve in Congress until the first Monday in November next.

Given under my hand and the Seal of the Commonwealth this
fourteenth Day of December, One thousand seven hundred
[Seal] and eighty six.

BEVERLEY RANDOLPH

[Motion respecting claims of D. Campbell ²]

Ordered Resolved that the several Reports and Papers in the files of Congress relative to the Case of Col^o Donald Campbell be referred to the Board of Treasury to report ~~on his Claims definitively~~ fully on

¹ Original credentials, read April 19, 1787, in *Papers of the Continental Congress*, Virginia Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, p. 213.

² *Papers of the Continental Congress*, No. 36, III, p. 349, in the writing of Mr. Egbert Benson. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 146, all the reports and papers relative to the case of Donald Campbell were referred to the Board of Treasury to report fully on the whole of his claims and applications and what is equitably due from the United States. Report rendered July 30 and acted on July 31, 1787. There is another motion or an amendment to this one, also in the writing of Mr. Benson, which was not adopted, in *Papers of the Continental Congress*, No. 36, III, p. 345. It is as follows: "And that by Virtue of the Resolution of Congress of the 13th Feb^r 1777 continuing Col^o Donald Campbell in his former Pay and Rank the said Donald Campbell is entitled to pay at the rate of 40 dollars p^r Month and also to the Rations of Provisions and Forage as a Colonel in the Army until the Dissolution of the Army in 1783."

the whole of his Claims and Applications and what is equitably due from the United States to the said Donald Campbell.¹

FRIDAY, APRIL 20, 1787.

Congress assembled present as before.

² A motion ³ having been made by Mr [James] Madison for sending the minister plenipotentiary at the Court of France under a special commission to the Court of Madrid for purposes therein expressed, the same was

¹ APRIL 19, 1787. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 145, the following committee was appointed:

Mr. James Madison, Mr. Abraham Clark, and Mr. Nathan Dane on a representation from the Cherokees, letter of Cornassel and Hanging Man to Charles Thomson, September 5, 1786, read April 19, 1787, *Papers of the Continental Congress*, No. 56, pp. 417-418. The *Committee Book* states a report was rendered May 8, 1787, but this has not been located.

Also according to the *Committee Book*, the following matters were referred to the Board of Treasury to report:

The Board's report of March 19, 1787 on the application of A. H. Dohrman, to prepare resolves. Report rendered May 11 and acted on October 1, 1787. The committee of March 19, on this report was discharged.

Memorial of William Betts, John Campbell, Richard Stewart and G. Taylor, jr., assistants of Udny Hay, April 18, 1787, read April 19, for pay for services and allowance for depreciation. *Papers of the Continental Congress*, No. 41, I, p. 439. Report rendered February 1, 1788.

Petition of Andrew McFarlan, read April 19, 1787, requesting payment of balance due for supplies furnished to the Indians in 1780. *Papers of the Continental Congress*, No. 42, V, pp. 393-394. See report of April 25, 1786. (*Journals*, vol. XXX, pp. 208-209). See also July 18, 20 and October 3, 1787.

According to the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. 10, were received:

Memorial of Ezra L'Hommedieu and D. Gelston, respecting the Act of June 7, 1786. *Papers of the Continental Congress*, No. 41, V, p. 436. The memorial was filed.

Resolutions of the Assembly of Virginia, November 29, 1786, and memorial of various persons to the Assembly, respecting the navigation of the Mississippi, *Papers of the Continental Congress*, No. 75, pp. 407-408, 415-416 and 411-414 respectively.

² From this point the entries for this day are in the *Secret Journal, Foreign Affairs, Papers of the Continental Congress*, No. 5, III, pp. 1603-1607. Charles Thomson begins the entry.

³ See April 18, 1787.

referred to the Secretary for foreign Affairs, who reported ¹ as follows

² OFFICE FOR FOREIGN AFFAIRS

20th April 1787.

The Secretary of the United States for the department of Foreign Affairs to whom was referred a motion made the 18 April Instant by the Honble M^r Madison in these words viz^t “*Resolved* that the present state of the negotiations with Spain and of the Affairs of the United States, renders it expedient that the minister plenipotentiary at the Court of France, should proceed under a special Commission to the Court of Madrid, there to make such representations, and to urge such negotiations, as will be most likely to impress on the said Court the friendly disposition of the United States, and to induce it to make such concessions and arrangements touching the southern limit of the United States and their right to navigate the Mississippi below the same, and to enter into such commercial stipulations with the United States, as may most effectually guard against a rupture of the subsisting harmony, and promote the mutual Interests of the two Nations.

“*Resolved* that the Secretary for Foreign Affairs prepare and report the Instructions proper to be given to the said minister plenipotentiary, with a proper Commission and Letter of Credence, and that he also report the communications and explanations which it may be adviseable to make to M^r Gardoqui relative to this change in the mode of conducting the negotiations with his Court.”

Reports,

¹ *Papers of the Continental Congress*, No. 81, III, pp. 243-248, read April 20, 1787.

² Benjamin Bankson continues the entry from here.

The first question that this motion presents, is whether it will be expedient to endeavour to carry the Spanish negotiation from New York to Madrid.

It is generally and with reason held to be more honorable to a Nation that foreign powers should send Ambassadors to treat with their Sovereign at his own house, than that they should send Ambassadors to treat with a foreign Sovereign at his Court.

It is also, and with equal reason generally deemed more advantageous to negotiate at home than in a distant Country, because in the *latter* case, much must be confided to the discretion of the negotiation, and because the distance prevents his consulting and being directed by his Sovereign on unexpected occasions and events as they rise, and which sometimes require immediate decision.

As these Considerations afford strong and weighty reasons for continuing the present negotiation at the seat of Congress, those for carrying it to Madrid should clearly preponderate before they are permitted to operate that change.

Two reasons are assigned for the proposed Change, one of them is exceedingly indefinite, Viz, the *present state of our Affairs* what particular facts and circumstances in the present state of our Affairs are alluded to, Your Secretary is at a loss to discern; for he does not know of any that would in his Opinion be meliorated by the change.

The other reason is the *present state of the negotiation*, with that he is perfectly well acquainted; but if the negotiation goes to Madrid, he does not conceive that it will leave behind it any of the difficulties, questions or Embarrassments which perplex and retard it at New York.

The reasons therefore assigned in the motion for the measure in question, do not appear to him adequate to the Consequences drawn from them.

Should such a measure be adopted, the Court of Spain will doubtless view it as very singular, and from that Circumstance be disposed to suspect that it originated in other than the avowed inducements, why should Congress forego the honor and convenience of treating with us at home? If discontented with their own negociator, why this circuitous way of changing him? if with ours, how has it happened that no Symptoms of it have appeared? on the contrary we are well informed that he is esteemed and respected in America; as to the differences between us, how are they diminished by this measure? These and a variety of other questions will more readily occur to the Spanish Court, than satisfactory answers to them, and your Secretary apprehends that all these Investigations will terminate in a firm belief that a design to gain time and to amuse was the true reason. Whether such a suspicion would be well or ill founded, would be unimportant; for its operation would be exactly the same in the one Case as in the other. The only question is whether it is not highly probable, nay almost certain that they would impute it to that Cause?

Your Secretary has reason to believe that M^r Gardoqui, as well as some others, are not ill informed of interesting debates in Congress, and that the Conversation of Members out of doors does not always remain sub Rosa. How or in what point of light, the design of such a measure would strike him, your Secretary can only conjecture. It is however natural to suppose that he would take no pains to prevent its proving abortive, and that his representations of it to his Court would not be

calculated to give it a welcome reception there, nor to impress them with a favourable opinion of the purposes intended by it.

When too the Court of Spain finds that M^r Jefferson is only empowered to *confer* about the Mississippi and the Boundaries, but not to *conclude*; their suspicions of a design to delay and amuse would be confirmed, for it is observable that the motion proposes only to authorize him to *enter into Commercial Stipulations*, on the other topics he is to *make representations*, to urge such negotiations as will be most likely to *impress* on the Court the friendly disposition of the United States, and to *induce* it to make Concessions &c. but not a word that gives him power to *conclude* a Treaty on those points. Perhaps this may only be an inadvertent Inaccuracy in the motion, if not it gives much Colour to the Inferences above suggested.

All these Considerations and Circumstances combined induce Your Secretary to think it highly probable that his Catholic Majesty will not consent to treat at Madrid, that his opinion of the Candour of the United States will be diminished by the measure in question, and that he will direct his Minister here to state his ultimate propositions explicitly to Congress, and to insist on a speedy and categorical Answer.

If such would be the *probable* Consequence of the measure proposed, your Secretary thinks it would be hazarding too much to adopt it.

If Congress should notwithstanding think it expedient to transfer the negotiation to Madrid, your Secretary is convinced that it cannot be confided to a person better qualified to manage it than to M^r Jefferson; and in that case your Secretary will with alacrity and zeal do whatever may depend upon him to promote the Success of it.

[Report of committee on copper coinage ¹]

The Committee [consisting of Mr. William Samuel Johnson, Mr. Rufus King, Mr. William Pierce, Mr. Abraham Clark and Mr. Charles Pettit] to whom was referred a Report of the Board of Treasury on the Subject of Copper Coinage; together with Sundry Propositions, relative to the same, Report ~~That they have carefully examined~~ [That they have carefully investigated the Subject, and find from the present ~~conditions~~ circumstances of the United States that it will be more adviseable to go into the coinage by contract than at a public expence. And that having examined] the Various Proposals ~~on this subject and~~ [made] are of Opinion, that it would be most for the Interest of the United States to form a Contract for the Supply of Three hundred Tons of Copper Coin of the Fœderal Standard, on the general Outlines of the Proposition made by M^r James Jarvis, Provided, That an Augmentation can be obtain'd of the Prœmium, propos'd by that Gentleman; and that the Monies arising from the Contract be sacredly appropriated towards the Reduction of the Domestic Debt.

They Submit therefore to the Consideration of Congress the following Resolves, Viz^t

That the Board of Treasury be authorised to Contract for three hundred Tons of Copper Coin of the Fœderal Standard agreeably to the Proposition of M^r James Jarvis; provided that the Prœmium to be allow'd to the United States, on the Amount of the Copper Coin contracted for be not less than Fifteen per Cent; that it be coin'd at the Expense of the Contractor, ~~at the mint of the United States; and~~ [but] under the Inspection of an Officer ~~by them~~ appointed [and paid by the U States]

That the Obligations to be given for the Payment of the Copper Coin to be delivered under such Contract be redeemable within twenty Years, after the Date thereof, with an Option of discharging the same at an Earlier Period, that they bear an Interest not Exceeding six per Cent per Annum; and that the Principal and Interest accruing thereon be payable within the United States.

~~That the whole of the Monies arising from the said Contract, shall be sacredly appropriated and applied to the Reduction of the Domestic Debt.~~

¹ *Papers of the Continental Congress*, No. 26, pp. 639-641, read April 20, and passed April 21, 1787. See April 9, 1787.

[Report of Secretary at War on intrusions in Western territory ¹]

The Secretary of the United States for the department of war to whom was referred his letter ² to Congress of the 16 of April transmitting an extract from Major Wyllys's letter to Lieutenant Colonel Harmar dated Rapids of the Ohio 6th February 1787

Reports

That in his opinion the United States are more liable to be disappointed in their just expectations, of the great national advantages resulting from a wise administration of the western territory, by the evils of usurpation and intrusion, than by any other causes whatever.

That the value of the object, The spirit of adventure, and the supposed imbecillity of government, render the dangers of usurpation on a large scale extremely imminent.

That if the disposition, to seize the public lands, be not curbed in the first instance, in a manner demonstrative of the fixed purpose of government all future attempts to remove intruders may be abortive. Their numbers may be so great as to defy the power of the United States. Or a reluctance in the supreme authority to inflict the calamities, necessarily attendant on an abrupt and forcible removal, of men women and children from their possessions, may prevent the measure.

Your Secretary therefore is of opinion, that no intrusions or usurpations ought to be suffered, which the troops stationed on the Ohio are capable of preventing or removing, and that the commanding officer should be directed, to take the most efficient and immediate measures for dispossessing the party of men reported by Major Wyllys to have established themselves at S^t Vincents.

On this principle the following resolve is Submitted.

Resolved That the Secretary at War direct the commanding officer of the troops of the United States on the Ohio to take immediate and efficient measures for dispossessing a body of men who have in a lawless and unauthorized manner taken possession of post S^t Vincent in defiance of the proclamations and authority of the United States, and that he employ the whole or such part of the force under his command as he shall judge necessary to effect the object.

H KNOX.

WAR OFFICE 19 April 1787

¹ *Papers of the Continental Congress*, No. 151, p. 255-256, read April 20, and passed April 24, 1787.

² See April 18, 1787.

[Letter of Secretary at War respecting General Butler ¹]

WAR OFFICE April 20th 1787

SIR: I think it necessary to inform your Excellency that the superintendant of indian affairs for the northern department has been so unfortunate as to break his leg while on his journey to this City in order to receive the orders of Congress relative to his department.

Notwithstanding his misfortune he informs me that means shall be adopted to carry into execution any measures which Congress may judge proper to direct, in the line of his duty.

I have the honor to be, etc.,

His Excellency

H KNOX ²

A S^t CLAIR Esq^r

President of Congress

SATURDAY, APRIL 21, 1787.

Congress assembled present as before.

The committee consisting of M^r [William Samuel] Johnson M^r [Rufus] King M^r [William] Pierce M^r [Abraham] Clarke and M^r [Charles] Pettit to whom was referred a report ³ of the board of treasury on certain proposals for coining copper, having reported ⁴

That the board of treasury be authorised to contract for three hundred tons of copper coin of the fœderal standard agreeably to the proposition of M^r James Jarvis; provided that the premium to be allowed to the United States on the

¹ *Papers of the Continental Congress*, No. 150, II, p. 311, read April 20, 1787.

² APRIL 20, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 146, the following letters were referred:

Letter of Secretary for Foreign Affairs, March 23, 1787, with its enclosure, so far as they relate to the Spanish captain, referred to Board of Treasury to report.

Letter of Thomas Jefferson to John Jay, January 9, 1787. Copy in *Papers of the Continental Congress*, No. 107, I, pp. 418-424. So far as relates to the consular convention referred to the Secretary for Foreign Affairs to report. Report rendered May 11, 1787. See April 18, 1787.

According to indorsement the Ordinance for settling the accounts between the United States and the individual States was debated and postponed. See April 18 and May 4, 1787.

³ See April 9, 1787.

⁴ See April 20, 1787.

amount of the copper coin contracted for be not less than 15 per cent, that it be coined at the expence of the contractor but under the inspection of an Officer appointed and paid by the United States. That the Obligations to be given for the payment of the copper coin to be delivered under such contract be redeemable within years after the date thereof with an option of discharging the same at an earlier period that they bear an Interest not exceeding six per cent per annum and that the principal and interest accruing thereon be payable within the United States. That the whole of the monies arising from the said contract shall be sacredly appropriated and applied to the reduction of the domestic debt.

A motion was made by M^r [James] Madison seconded by M^r [William] Few to strike out the last clause. And on the question, shall the last clause stand viz That the whole of the monies &c the yeas and nays being required by M^r [Charles] Pettit,

Massachusetts

M ^r King	ay	}ay
M ^r Dane	ay	

Rhode Island

M ^r Varnum	ay	}ay
M ^r Arnold	ay	

Connecticut

M ^r Johnson	ay	}ay
M ^r Mitchell	ay	

New York

M ^r Smith	ay	}ay
M ^r Benson	ay	

New Jersey

M ^r Clark	ay	}ay
M ^r Schurman	ay	

Pensylvania

M ^r St. Clair	ay	}d
M ^r Pettit	ay	
M ^r Meredith	ay no	
M ^r Armstrong	ay no	

Delaware

M ^r Kearny	no	*
-----------------------	----	---

Virginia

M ^r Grayson	no	}no
M ^r Madison	no	
M ^r Carrington	no	
M ^r Lee	no	

N^o Carolina

M ^r Hawkins	no	}no
M ^r Ashe	no	

Georgia

M ^r Few	no	}d
M ^r Pierce	ay	

So the question was lost and the Clause was struck out.

A clause¹ being substituted in the room of that struck out and the blank filled the whole was agreed to as follows,

*Resolved*² That the board of treasury be and they are hereby authorised to contract for three hundred tons of copper Coin of the fœderal standard agreeably to the proposition of M^r James Jarvis; provided that the premium, to be allowed to the United States on the amount of copper Coin contracted for, be not less than fifteen per cent; that it be coined at the expence of the contractor, but under the inspection of an Officer appointed and paid by the United States.

That the Obligations to be given, for the payment of the copper coin to be delivered under such contract, be redeemable within twenty years after the date thereof, that they bear an interest not exceeding six per cent per annum and that the principal and interest accruing thereon be payable within the United States. That the whole of the aforesaid loan shall be sacredly appropriated and applied to the reduction of the domestic debt of the United States and the premium thereon towards the payment of the interest of the foreign debt.

³ On a report⁴ of the Board of Treasury to whom it was referred to report a plan for selling for public Securities, the Townships surveyed in the Western Territory,

¹ Two substitute clauses in the writing of Mr. Abraham Clark are attached to the original report in *Papers of the Continental Congress*, No. 26, pp. 639-640. The first, which is crossed out, reads as follows: "That the whole of the monies Arising from said Contract shall be apportioned to each ~~respective~~ State to be by the respective Legislatures thereof Appropriated to the Reduction of the Domestick Debt of the U.S." The second is the form of the clause as adopted.

² Printed copies of this resolve on copper coinage, attested by Charles Thomson, are in *Papers of the Continental Congress*, Broad-sides.

³ At this point John Fisher takes up the entry.

⁴ See April 5, 1787.

Resolved That after the Secretary at War shall have drawn for the proportionate quantity of the lands already surveyed which were assigned to the late Army, agreeably to the Ordinance¹ of the 20th May 1785, the remainder shall be advertised for Sale in one of the Newspapers at least of each of the States, ~~for the Space of four months from the date of the Advertisement;~~ [and] at the expiration of ~~which time~~ [five months from this day], the sale of the land shall commence in the place where Congress shall sit, and continue from day to day until the same shall be disposed of; provided that none of the Land shall be sold at a less price than one dollar per Acre, and that the Sale shall be made agreeably to the mode pointed out by the Ordinance aforesaid.

Resolved That one third of the purchase money shall be immediately paid in any of the public securities of the United States to the Treasurer of the said States; and that the remaining two thirds shall be paid in like manner in three months after the date of the sale, on which payment (a Certificate thereof being previously furnished by the Treasurer to the Board of Treasury) Titles to the lands shall be given to the purchasers by the Board of Treasury, agreeably to the terms prescribed by the said Ordinance; provided, that if the second payment shall not be made in three months as aforesaid the first payment shall be forfeited, and the land shall again be exposed to Sale.

Ordered, That the Board of Treasury take the Necessary measures for carrying the aforesaid resolutions into effect, and also for exhibiting the Surveys of the Lands.

² When the foregoing Act was under consideration a motion was made by M^r [Nathaniel] Gorham seconded by M^r [Edward] Carrington to amend it by striking out the words "in the place where Congress shall sit" and in the room

¹ *Journals*, XXVIII, pp. 375-381.

² Charles Thomson here resumes the entry.

thereof inserting "at Philadelphia", And on the question to agree to the Amendment the yeas and nays being required by M^r Mitchel,

<i>Massachusetts</i>			<i>Pensylvania</i>	
M ^r Gorham	ay	}	M ^r S ^t Clair	ay
M ^r King	no		M ^r Pettit	ay
M ^r Dane	no		M ^r Meredith	ay
<i>Rhode island</i>			M ^r Armstrong	ay
M ^r Varnum	ay	}	<i>Delaware</i>	
M ^r Arnold	ay		M ^r Kearny	ay *
<i>Connecticut</i>			<i>Virginia</i>	
M ^r Johnson	no	}	M ^r Grayson	ay
M ^r Mitchell	no		M ^r Madison	ay
<i>New York</i>			M ^r Carrington	ay
M ^r Smith	no	}	M ^r Lee	ay
M ^r Benson	no		<i>North Carolina</i>	
<i>New Jersey</i>			M ^r Hawkins	ay
M ^r Clark	ay	}	M ^r Ash	ay
M ^r Schurman	ay		<i>Georgia</i>	
			M ^r Few	ay
			M ^r Pierce	ay

So the question was lost.

[Report of Board of Treasury on motion for repealing requisition¹]

The Board of Treasury to whom was referred a Motion for Repealing the Special Requisition of the 21st of October last; together with the Resolve directing the Board of Treasury to open a Loan on the Credit of the said Requisition,

Beg leave to Report,

That the said Requisition has not to the knowledge of this Board, been complied with by any State in the Union, except those of Virginia, and Delaware; and by the former in a certain degree only.

The Board are therefore of Opinion, That, as the United States in Congress have thought it expedient to direct, that most of the Troops, for which the Special Requisition of the 21st of October last was intended, should be immediately disbanded, it would be proper to

¹ *Papers of the Continental Congress*, No. 139, pp. 511-512, read April 21, 1787. Passed May 3. See April 18, 1787.

adopt the Motion referred to their consideration; so far as it respects the appropriation of the Monies proposed to be raised by the said Requisition, and the mode of Crediting the same in the Books of the Treasury; They therefore submit to the consideration of Congress the following Resolves.

That all Monies accruing from the Requisition of the 21st of October last, or Advanced by any of the States for the Recruiting, Subsisting, or Clothing of the Troops directed to be raised by the Resolves of Congress of the 20th of October last, be Credited to such States ~~respectively~~, on the [specie] Requisition[s] of the 2^d August 1786 [1784, 1785 or 1786 at the option of the States respectively]; Provided, that no State having made such Advances shall obtain Credit therefor, 'till the Accounts relative to the same are Adjusted at the Treasury of the United States.

Resolved, That the Act of Congress of the 21st of October last, directing the Board of Treasury to Open a Loan on the Credit of the said Requisition, be, and it is hereby repealed.

All of which is humbly Submitted

April 20th 1787.

SAMUEL OSGOOD
WALTER LIVINGSTON

MONDAY, APRIL 23, 1787.

Congress assembled. Present Massachusetts, Rhode island New York, New Jersey, Pensylvania, Virginia, North Carolina and Georgia and from Connecticut M^r [William Samuel] Johnson and from Delaware M^r [Dyre] Kearny.

On Motion of M^r [Edward] Carrington seconded by M^r [William Samuel] Johnson

Resolved That the priviledge of sending and receiving letters and packets free of postage be extended to the members of the Convention to be held in Philadelphia on the second Monday in May next in the same manner as is allowed to the members of Congress.

[Report of Secretary for Foreign Affairs on instructions to Mr. Adams¹]

OFFICE FOR FOREIGN AFFAIRS

23^d April 1787

The Secretary of the United States for the Department of foreign Affairs in obedience to the order of Congress directing him to report Instructions to their Minister Plenipotentiary at the Court of London, on the Subject of his Letter of 4th March 1786, and of the Papers which accompanied it,

Reports the following

Resolved That the Minister of the United States at the Court of Great Britain, be, and he hereby is, instructed to inform his britannic Majesty, that Congress do candidly admit, that the 4th and 6th Articles of the Treaty of Peace have been violated in America, and that they consider the 7th Article as having been violated on the part of Great Britain. That he do also inform his britannic Majesty, that Congress are taking effectual measures for removing all Cause of Complaint on their part, and that he communicate to his Majesty their Resolutions of the 21st Day of March last, together with their circular Letter to the States of the 13th Day of April ~~Instant~~.

Resolved That the said Minister be, and he hereby is authorized and directed, in the name and Behalf of the United States to propose and conclude a Convention with his Majesty, whereby it shall be agreed that the value of the Slaves or other American Property carried away contrary to the 7th Article, be estimated by Commissioners and paid for, and that the said Payment, together with a Surrender of all the Posts and Places now held by his Majesty within the Limits of the United States shall be made within months after the several States shall each have passed such a Law for repealing all the Acts or parts of Acts existing in the same and repugnant to the said Treaty, as is specified in the circular Letter above mentioned, which months shall be computed from the Time that formal notice, of all the States having passed such Laws, shall be duly given to his britannic Majesty.

Resolved That the said Minister be, and he hereby is, further instructed to assure his Majesty that it will always give pleasure to Congress fairly and candidly to discuss and accommodate every Difference or Complaint that may arise relative to the Construction or

¹ *Papers of the Continental Congress*, No. 81, III, pp. 97-99, read April 23, 1787. See March 21, July 18, and 20, 1787.

to the Performance of the Treaty. That they are determined to execute it with good Faith, and that as this is the only Instance in which any Complaints of that kind have ever come regularly before them, they flatter themselves, that the Frankness and Candor of their conduct on this occasion will create in him the same confidence in the Purity of their Intentions, which they repose in his assurances "that whenever America shall manifest a real Determination to fulfil her part of the Treaty, Great Britain will not hesitate to co-operate it whatever points depend upon her, for carrying every article into real and compleat Effect.

Resolved That the said Minister be, and he hereby is, further instructed to endeavour to have an Article inserted in the Convention for the Remission of the Interest or a proportion of it, which accrued on private contracts during the war. And that he also endeavour to obtain an Article to fix the true Construction of the Declaration for ceasing Hostilities, and to stipulate, that Compensation be made for all Captures contrary to it.

And to the End that the said Minister may have the more ample Information on these several Subjects.

Ordered that a Copy of the Report of the Secretary for foreign Affairs on his said Letter be transmitted to him by means of some proper and confidential person that may be going from Hence to London.

All which is submitted to the wisdom of Congress

JOHN JAY.¹

¹ APRIL 23, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 146, the following petitions were referred:

Petition of Hannah Stephens, February 22, 1787, read April 23, asking for ransom of her husband. *Papers of the Continental Congress*, No. 42, VII, pp. 287-288. Referred, together with letter of Jefferson to Jay, February 1, 1787 (*Papers of the Continental Congress*, No. 107, I, pp. 424-429) so far as relates to the redemption of prisoners at Algiers, to the Secretary for Foreign Affairs to report. Report rendered May 2, 1787. See April 18 and July 18, 1787.

Memorial of Ephraim Blaine, April 20, 1787, read April 23, praying for settlement of his accounts as Commissary General of Purchases. *Papers of the Continental Congress*, No. 41, I, pp. 443-444. Referred to the Board of Treasury to report. Report rendered February 11, 1788.

Memorial of James Mitchel Varnum, received April 23, 1787, for settlement of his accounts, was referred to the Board of Treasury to report.

According to indorsement was read a petition of George Smith, deputy Advocate General of the Northern Army, April 21, 1787, requesting payment of a balance. *Papers of the Continental Congress*, No. 42, VII, p. 283. Question on referring taken and lost.

TUESDAY, APRIL 24, 1787.

Congress assembled. Present as yesterday.

On a report ¹ of the Secretary at War to whom was referred his letter of the 16 transmitting an extract of a letter from Major Wyllys,

Resolved That the Secretary at War direct the commanding officer of the troops of the United States on the Ohio to take immediate and efficient measures for dispossessing a body of men who have in a lawless and unauthorised manner taken possession of post S^t Vincents in defiance of the proclamations and authority of the United States and that he employ the whole or such part of the force under his command as he shall judge necessary to effect the Object.

[Representation of Massachusetts and New York delegates ²]

To the United States in Congress assembled,

We the under written Nathaniel Gorham, Rufus King and Nathan Dane Delegates from the State of Massachusetts and John Haring, Melancton Smith and Egbert Benson Delegates from the State of New York in the said Congress do for, and in the name of the said States respectively represent, that the Controversy between the said two States respecting Territory having ceased it is therefore become unnecessary that the Fœderal Court, for the Appointment whereof Proceedings have been had in Congress, should convene. Given under our Hands this Twenty third day of April in the Eleventh Year of the Independence of the United States, 1787.

NATHANIEL GORMAN
RUFUS KING
NATHAN DANE.
JOHN HARING
MELANCTON SMITH
EGB^t BENSON

¹ See April 20, 1787.

² *Papers of the Continental Congress*, No. 65, II, p. 239, read April 24, 1787. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 146, it was referred to a committee consisting of Mr. William Samuel Johnson, Mr. Abraham Clark and Mr. James Mitchel Varnum. Report rendered August 6, 1787. See October 8, 1787. Agreement on parchment filed.

[Report of Board of Treasury on memorial of S. Nicholson ¹]

The board of Treasury to whom was referred a Memorial of Samuel Nicholson, late a Captain in the Navy of the United States,

Beg leave to Report,

That the Memorialist states, that in the Years 1778, and 1780, a Statement was made of his Accounts by the Navy Board of the Eastern Department, for his Pay and Disbursements as a Captain in the Navy of the United States; by which Statement the Balance, to which he conceives himself justly entitled, is greatly diminished; That he therefore sollicit a Revision of the said Account; and that the same may be Adjusted on such Principles, that he may not suffer by the Depretiation of the Monies by him received, and wherewith he stands charged as Specie.

On the above Memorial, the Board beg leave to observe that, as the Case of the Memorialist involves other Applications of a similar nature, which are daily arising in the Settlement of the Marine Accounts; they have thought it adviseable to enquire into the Principles, on which the Accounts of Persons serving in the Marine Department, during the late War, had been Settled; and beg leave to lay before Congress the following state of Facts, relative to the Allowance of Depretiation on the Pay of the Navy of the United States.

In the Month of July 1780, the Board of Admiralty represented to Congress, that the provision of Wages and Bounty granted to the Navy, had by the Depretiation of the Money ceased to be an adequate encouragement for them to serve, and therefore recommended certain Resolves ² in remedy thereof, which were adopted by Congress on the 11th of July 1780; and by which it is declared that the Pay of the Officers and Men in the Navy of the United States, as fixed by the Act ³ of Congress of the 15th November 1776, shall thereafter be considered as and paid in Specie, or other Money equivalent; and in like manner with respect to the Subsistence Money due to the said Officers; and that Forty Dollars in Paper should be considered as an equivalent to One in Specie.

¹ *Papers of the Continental Congress*, No. 138, II, pp. 197-204, read April 24, and passed August 1, 1787. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 355. See March 23, 1787.

² *Journals*, vol. XVII, pp. 602-603.

³ *Journals*, vol. VI, pp. 953-955.

By a recurrence to the Pay Rolls, as well as the expression of this Resolve, it appears not to have been considered as having a retrospective view; as in the said Rolls, the Pay is charged at its original Establishment 'till the 11th July 1780, and at forty times that Sum after that period.

In June 1781, the Board of Admiralty again represented to Congress, that the provision made by the Resolve of the 11th July 1780 (allowing Forty Dollars in Paper, for One in Specie) had by further Depreciation become inadequate, and therefore recommended the Resolve¹ of the 12th of June 1781, by which it is declared "That the Balances at that time due to the Officers and Marines in the Sea Service, and the Sums that should *thereafter become due* should be paid in Specie, or other Current Money equivalent, according to the current rate of exchange at the time of Payment, any Resolve of Congress to the contrary notwithstanding."

In 1783, M^r Pennell, at that time Commissioner of Accounts for the Marine Department, informed the Superintendent of Finance, that the Resolve of the 12th of June 1781, having in his opinion no retrospect, he did not conceive himself authorised to allow for Depreciation of Pay, &c. in the Marine Department before the 11th July 1780; and from that time to the 12th June 1781, more than at the rate Forty Dollars of Paper for one in Specie, and desired his directions on the premises.

The Application was submitted by the Superintendent of Finance to Congress; in consequence of which it was Resolved by that Honorable Body, on the 23^d of March 1784, That the Commissioner for Settling the Marine Accounts should in Settling the Pay of the Officers and Men of the Navy *and the Depreciation thereon* govern himself by the Resolves of the 11th of July 1780 and 12th June 1781.

M^r Pennell being not yet satisfied that this Resolve justified in Allowing Depreciation previous to the 11th of July 1780, applied again to the Superintendent of Finance; who gave it as his clear opinion, "That the Officers and Men were to be credited in a Specie Account with the Sums named for Pay and Subsistence by the Acts of the 15th November 1776 and 25th July 1777,² and Debited with the Specie paid to them and the actual value of the Paper received by them reduced to Specie; excepting such payments as had taken place

¹ Journals, vol. XX, p. 633.

² Journals, vol. VIII, pp. 581-582.

between the 11th July 1780, and 12th June 1781." In consequence of this Opinion, M^r Pennell proceeded to Settle the Marine Accounts, and the same mode of Adjustment was for some time pursued by his Successor in Office, 'till by a recurrence to the Resolves of Congress (as above recited) he conceived himself not authorised to make any allowance for Depretiation previous to the 11th of July 1780.

On what principles the Superintendant of Finance governed himself in giving to M^r Pennell the instructions last mentioned, the Board cannot determine. If the Acts of Congress of the 11th of July 1780, and 12th June 1781, authorised the Commissioner of Marine Accounts to Settle the Pay &c of the Navy, on principles of Depretiation, previous to the 11th of July 1780, then there was no occasion of a further application to Congress for this purpose. If they did not, the Resolve of the 23^d of March 1784, cannot be considered (except by a doubtful implication) as extending the Authority of the Commissioner to this object.

It may be necessary however to observe, that if the construction put by the late Superintendent of Finance on the Resolve ¹ of the 23rd March 1784, is not adopted, great Injustice will be done in the Settlement of the Marine Accounts to many deserving Characters, who conceive themselves entitled to the same mode of Adjustment, which had been adopted by the late Commissioner of Marine Accounts, in consequence of M^r Morris' Instructions; and in many instances (previous to an investigation of this subject) by the present Commissioner; since by a contrary line of Adjustment, many who on equitable principles would be Creditors of the Union, would appear to be Debtors.

It is to be presumed, that this consideration governed the late Superintendant of Finance in the construction given to the Resolve of the 23^d March 1784; the directions given to the Commissioner to Settle the Marine Accounts, agreeably to the former Acts *with the Depretiation thereon*, being (from the Words last mentioned) rather ambiguous, the Superintendant considering the Act as founded on an application for relief, has probably conceived himself justified in putting such an Interpretation on it, as would be most beneficial to the Parties. It is to be observed however, that this mode of Settlement, would place the common Seamen on a footing, preferable to many who Served as Soldiers in the Armies of the United States,

¹ *Journals*, vol. XXVI, p. 161.

since the allowance of Depretiation is by the Resolve of the 10th of April 1780, confined to such Soldiers as had entered previous to that date, for three Years or during the War; or who should thereafter Enter for the War.

To obviate therefore in future, any doubts as to the intention of Congress in this respect; and to do justice to Persons having similar Claims with those of Captain Nicholson, as far as the same appears to this Board practicable, We beg leave to submit to the consideration of Congress, the following Resolve.

That the Commissioner of Marine Accounts, in settling the Accounts of the Officers of the late Navy of the United States, govern himself by the Principles Established for the Line of the Army, by the Act of Congress of the 10th of April 1780, so far as the same relates to the Allowance for Depretiation; provided that no Officer be entitled to the Benefit of this Resolve, who was not in Service, or liable to be called into Service on the 10th April 1780; And that the same shall not extend to the Revision of any Pay Rolls, which have been already Adjusted, and discharged; or of any Account where the Usual Certificate has been issued for the Balance.¹

All which is humbly Submitted.

SAMUEL OSGOOD

WALTER LIVINGSTON

April 24th 1787.

[Letter of Secretary at War on military stores ²]

WAR OFFICE, 23, April 1878.

SIR: I beg leave to inform Congress, that there are at West Point on Hudson's river, and at New London in Virginia, upwards of sixteen thousand damaged muskets which are continually decreasing in their value.

I have been anxiously desirous to have all the arms perfectly repaired, and preserved in a condition for immediate use; but the public finances have not admitted of the measure.

But there are certain damaged, and other useless military stores, which might be sold, and the proceeds applied to the important purposes of repairing the arms. With this view, on the 1st of August

¹ This paragraph of the original has emendations to make it read as it was passed on August 1, 1787.

² *Papers of the Continental Congress*, No. 150, II, p. 315, read April 24, 1787.

1786, I submitted a statement, and report,¹ of unserviceable articles in possession of the public, and I now respectfully solicit the attention of Congress to said report.

If the means proposed for the repairs of arms, should be judged proper, the season of the year has arrived, in which armorers might be employed advantageously.

I have the honor to be, etc.,

H KNOX

His Excellency

THE PRESIDENT OF CONGRESS.

[Letter of Secretary for Foreign Affairs remitting samples of coins ²]

NEW YORK 24th April 1787

SIR: When I wrote to your Excellency on the 18th Instant transmitting M^r Jeffersons letters and their Enclosures, I omitted to send the samples of Coins mentioned in his Letter of the 1st day of February last. Your Excellency will find them herewith enclosed.

With great Respect and Esteem I have the honor to be, etc.,

JOHN JAY.³

His Excellency

THE PRES^t OF CONGRESS.

¹ *Papers of the Continental Congress*, No. 150, I, pp. 455-457, with list of stores on pp. 451-452, read August 1, 1786. See *Journals*, vol. XXXI, pp. 457-458. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 146, this report was referred to a committee consisting of Mr. Henry Lee, Mr. James Mitchel Varnum and Mr. Charles Pettit, which reported on May 2, 1787.

² *Papers of the Continental Congress*, No. 80, III, p. 237, read April 24, 1787.

³ APRIL 24, 1787. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 146, was referred to the Board of Treasury to report, a memorial of Henry Howell Williams, April 7, 1787, read April 24, for reimbursement for losses suffered at Noddles Island, Boston, in 1775. *Papers of the Continental Congress*, No. 41, X, pp. 693-694. Report rendered August 4, 1788.

WEDNESDAY AND THURSDAY, APRIL 25 AND 26, 1787.

Congress assembled present as before.

[April 25, 1787]

[Instructions of North Carolina to her delegates ¹]

Extract.

North Carolina,

In the House of Commons 6th January 1787.

The House resumed the Consideration of the Report of the Committee on sundry Papers respecting Indian Treaties &c which being read and amended was concured with in the following Words,

Your Committee to whom was refered sundry Papers respecting Treaties and Indian Affairs beg leave to report

That they have examined with Attention the papers refered to them and they find that by the Treaties entered into between the Commissioners appointed by the United States to treat with the southern Indians and the Cherokee and Chickasaw Indians at Hopewell on the Keeowee, the Commissioners of the United States have allotted to the said Indians certain Lands as their hunting Grounds which are obviously within the Jurisdiction of this State being North of the Boundary established by Law between the Citizens and Indians, and a great part of which is for a valuable Consideration sold to our Citizens, some of whom are now actually living thereon.

Your Committee observe that the Commissioners having only allotted these lands to the Indians as their hunting Grounds, the Treaty doth not thereby annull the Title of those who hold under our Laws but have cloged it in a Manner different from the Intentions of the Legislature and which does in effect suppose a right in the United States to interfere with our Legislative Rights which is inadmissable.

Your Committee thereupon recommend that the Delegates of this State in Congress be instructed to State our Rights to the Lands in question to the United States of America in Congress assembled to obtain a Disavowal of the Treaties so far as they effect the same and if the same should be persisted in which Your Committee cannot suppose from the known Wisdom and Rectitude of Congress that finally they formally protest against the same.

¹ *Papers of the Continental Congress*, No. 72, pp. 289-290, read April 25, 1787.

[Motion respecting Indian Treaties¹]

Motion M^r Blount and M^r Ash for Congress to disavow the treaties with the Cherokee and Chickasaw Indians so far as they allot to the s^d Indians hunting grounds within the limits of North Carolina other than those allotted them by the laws of the s^d State.

[Report of committee on ordinance for disposing of Western territory²]

The com^{es} consisting of M^r [Edward] Carrington, M^r [James Mitchel] Varnum M^r [Abraham] Clarke M^r [Rufus] King and M^r [Benjamin] Hawkins to whom was referred a motion of M^r Carrington for revising the ordinance for surveying and selling the western territory report as follows,

Your Committee are of Opinion that it will be improper to adhere to the mode provided in the said Ordinance for disposing of the Western Territory, for the following reasons. 1st It is too slow in its operation to effect a faithful execution of the duties incumbent on Congress, under the present public circumstances, and the terms upon which these lands were ceded to, and accepted by the United States. 2^{dly} it will in its advance constantly involve a great public expence, which, being unnecessary, is unreasonable.

Upon the first of these reasons your Committee beg leave to observe, that the Ordinance hath been in operation nearly two years, and but little more than half the quantity of land which would Authorise the sale of any part of that extensive Territory has been surveyed. Upon enquiry into the causes of this delay, they are informed by the Geographer than the danger to which the surveyors are liable from the Indians, prevent their proceeding except when they can be covered by Troops. It appears to your Committee that these dangers are more likely to encrease than diminish, as the hostile disposition of the Indians have in no degree abated, and the future numbers and situations of our Troops, will, in all probability, be such as to afford less protection to the surveyors than they have hitherto received.

¹ This motion is entered by Thomson in the *Committee Book, Papers of the Continental Congress*, No. 190, p. 147. It was referred to a committee consisting of Mr. William Samuel Johnson, Mr. Charles Petit and Mr. Abraham Clark.

² *Papers of the Continental Congress*, No. 30, pp. 119-127, in the writing of John Fisher with introductory paragraph and emendation by Charles Thomson. Read April 25, 1787 and made the order of the day for Monday, April 30. A broadside copy is on p. 129. This committee was appointed April 9, 1787.

From these considerations your Committee are led to conclude, that the prospect of bringing to market, any tolerable part of this territory, without a very material departure from the Ordinance, must be very distant. From a view of the present public circumstances; the State of these lands, and the terms of Cession by which the United States have become ~~vested with~~ [possessed of] them your Committee are induced to think, that it is the duty of Congress to adopt measures for disposing of them, which may be, not only practicable; but Speedy in their operation. The debts of the Union are already so great that all the efforts of the people towards their extinguishment, fall far short of paying the interest, and of consequence the public burthens must be daily encreasing. these lands are lying in an unproductive State; from a Variety of circumstances it is reasonably to supposed they will now sell higher than at any distant period; and they have been ceded to, and accepted by the United States, as a fund for the common relief, to be faithfully disposed of for that purpose; these considerations operate with your Committee, as sufficient to justify the opinion they have advanced; but they beg leave to add that any considerable delay in disposing of the lands in this territory would very probably be attended with the entire loss of that fund. Some discontented and adventurous people have already encroached upon them, and the Actual operation of the Troops Stationed there, hath ~~been~~ [become] necessary to remove them. The numbers disposed to make these encroachments are manifestly encreasing, and it appears to your Committee, that the Troops in the service of the United States, are more likely to be reduced than encreased in number. from these circumstances your Committee think that the loss of the lands is seriously to be apprehended, unless early measures are pursued for Vesting a better kind of people with legal rights there.

Upon the second reason your Committee beg leave to observe that long experience hath taught that private adventurers in lands with great alacrity and chearfulness submit to the dangers of exploring, and the additional expence of surveying them, when they are indulged in their choice as to situation and quality, And your Committee are of Opinion that this indulgence may be allowed under such restrictions as to avoid all the evils to be apprehended from loose indiscriminate locations.

Upon the foregoing considerations your Committee beg leave to Report,

That in their opinion the ~~mode provided in the said Ordinance~~¹ [of the 20th day of May 1785] for disposing of the Western Territory after ~~compleating~~ [ought, saving the completion of] the seven ranges of Townships now surveying, provided that the same shall not cross the Muskingum, ~~ought~~ to be repealed, and another established upon the following principles Viz.

Such parts of the said Territory as Congress shall from time to time direct to be sold, to be divided by the Geographer into convenient districts bounded by the Ohio, the navigable rivers running into the same, and lines extending due North from the sources of such rivers.

A Surveyor to be appointed by the Geographer for each district whose duty it shall be to receive the locations of Individuals and to Survey their lands for certain fees, and under certain regulations to be prescribed.

The board of Treasury, or a Register, to issue warrants or rights for any quantity of land not less than _____ acres to any person applying for the same and paying _____ per acre, directed to any Surveyor in the Western territory. The purchasers of the said rights, their Heirs or assigns to be entitled to locate the same in any district which may be ordered for Sale, by an entry or entries with the Surveyor of such district within _____ months from the date thereof, under the following restrictions, every Location to be a square bounded by lines runing due North and South, and other equal lines crossing them at right Angles as nearly as may be, except when the boundaries of the district, or prior locations, shall render the same impracticable and then this rule to be departed from no farther, than such particular circumstances may require.

The Locations to be made wherever the locators shall direct; provided that every such location which shall contain a number of Acres less than _____ miles Square, shall be bounded wholly on one side by some former entry or entries, and provided also that no interstice shall be left less than half a mile in breadth.

Every location to be surveyed upon the request of the Locator within _____ months from the entry and for enabling the Surveyors to compleat their works, in due time, the Geographer to appoint as many Assistant Surveyors as may from time to time be necessary.

Proper Books to be kept by the Surveyors, in which shall be fairly and fully entered all entries for land and also the platts thereof after they have been surveyed.

¹ *Journals*, vol. XXVIII, pp. 375-381.

The Surveyors to make returns of all their proceedings to the Geographer once in every months, and the Geographer to keep the like Books and the like records ~~therein~~ as may be prescribed by [to] the Surveyors, to be open as well as those of the Surveyors, to the inspection of all persons whatever.

All disputes which may arise to be determined by the Surveyor in whose district the same may happen, with right of Appeal to the Geographer.

Grants to be issued by the Geographer, upon the surveys being compleated, and all fees fully discharged.

The Geographer to extend a line from each Capital survey to some known point, so as to ascertain its true situation, and as he shall from time to time be possessed of sufficient materials, to divide the Territory into Townships of Miles square by designating the same on paper by lines running due North and South, and other equal lines crossing these at Right Angles as nearly as may be, and also to designate in like manner every Survey.¹

[April 26, 1787.]

[Report of Secretary of Congress on petition of R. J. Van den Broek ²]

OFFICE OF SEC^y OF CONGRESS

April 26

On the petition of R. J. Van dan Broek in behalf of J. G. Diricks late a lieut col in the army of the United States exhibiting a demand of the s^d lieut col Diricks agst the United States for monies paid by

¹ APRIL 25, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 147, there were referred to the Board of Treasury to report:

The Report of the Board of Treasury on Mr. J. Warren's letter. This report was transmitted to Congress in letter of the Board, March 22, 1786, *Papers of the Continental Congress*, No. 140, I, p. 123.

Petition of John Vinton, read April 25, respecting the accounts of Edmund Soper, *Papers of the Continental Congress*, No. 42, VIII, pp. 105-106, with a certificate on pp. 109-112. Report rendered August 28 and acted on August 29, 1788.

According to indorsement was read a petition of R. J. van den Broek on behalf of Col. J. G. Diriks for payment of monies. *Papers of the Continental Congress*, No. 42, VIII, p. 113, with an account and certificate on pp. 117-119. See April 26, 1787.

² *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, p. 54. See April 25, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 147, this petition and accompanying papers were referred to the Board of Treasury to report. Report rendered February 1, 1788.

order of major gen Lord Stirling amounting to £127.15, and pray^s Congress to order the same to be paid

The Sec^y reports

That the petition of R J van den Broek be referred
 agreed to to the board of treasury to report.

[Motion of the delegates of North Carolina ¹]

That the Sec^y at war on the application of the delegates of North Carolina furnish them with a copy of all the muster rolls of the continental line of that state now in the war office or the paymaster general's office.

[Plan of a temporary government for the western territory]

[The report ² of the committee consisting of Mr. William Johnson, Mr. Charles Pinckney, Mr. Melancton Smith, Mr. Nathan Dane and Mr. William Henry, to prepare a plan of a temporary government for such districts, or new states, as shall be laid out by the United States, which was appointed September 18, 1786 and reported on September 19, was, according to indorsement, under consideration on this day and was assigned for tomorrow, April 27, on which day no business was transacted. This report had been left as unfinished business on September 21, 1786. It was read a second time on May 9, 1787.]

[Letter of Secretary at War respecting lands for late army ³]

WAR OFFICE, *April 26th, 1787.*

SIR: The incessant enquiries respecting the lands due to the late army, and a conviction of the perfect dispositions of the United States in Congress assembled, to render ample justice to their late military servants, are the reasons, and I hope will be my apology, for my present address.

It is unnecessary to mention the manner in which the arrearages of pay due the late army was settled, or the present state of those

¹ This motion is entered by Thomson in the *Committee Book, Papers of the Continental Congress*, No. 190, p. 147. It was referred to the Secretary at War to take order.

² The Mss. copy of the report is in *Papers of the Continental Congress*, No. 30, pp. 101-107 and a broadside on pp. 109-110. See *Journals*, vol. XXXI, pp. 669-673 for text of original report.

³ *Papers of the Continental Congress*, No. 150, II, pp. 319-321, read April 26, and acted on October 22, 1787. See May 2, 1787.

arrearages. It is sufficient to observe, that the army were convinced, that had Congress possessed the ability, the payments would have been complete. Too many have been compelled, by their necessities to sell the evidences of their public debt, for a small proportion of the nominal sum. These unfortunate men now consider the lands promised them, as their only resource against poverty, in old age, and therefore are extremely solicitous to receive, immediately, their dues in this respect. Uninformed of, or not comprehending the cause which prevent a delivery, they pine and murmur at a four years delay.

It is presumed the quantity of land due the army will not be much less than three millions of acres. Their proportion of the quantity already surveyed, may amount to about 100,000 acres. Assuming the surveys of the last year, as a data, or even supposing double the quantity will be surveyed annually in future, yet a very long period must elapse before the whole quantity due will be delivered. A period, at which very few of those entitled to the land will be living.

The present object of this letter is to respectfully submit to Congress, the consideration of the propriety of assigning a part of land, bounded on the Ohio, and by some rivers which empty into the same, sufficiently extensive to satisfy the claims of the late army, and to direct some effectual mode free of expence by which individuals may receive their right.

In any plan for the disposal of the western territory, if a tract for the army be not assigned, they will be prevented from the benefits intended by Congress. Circumstanced as they are generally, they cannot enter into competition with rich speculators; which in some degree must be the case, if they shall not have a particular tract assigned to them, and surveyed in the most regular manner.

I have the honor to be, etc.,

H Knox ¹

His Excellency

THE PRESIDENT OF CONGRESS.

¹ APRIL 26, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 147, the following orders were given:

The Board of Treasury was ordered to report a proper device for the copper coin of the United States.

The Secretary of Congress was ordered to report an inscription for the monument of General Montgomery. See May 7 and 10, 1787.

According to indorsement was read the petition of John Wait, April 25, 1787, for settlement of arrears in pay for supplies. *Papers of the Continental Congress*, No. 42, VIII, pp. 398-399. See May 2, 1787.

FRIDAY, APRIL 27, 1787.

Six states only attended:

TUESDAY, MAY 1, 1787.

Six states attended namely Massachusetts, New York Pennsylvania Virginia, North Carolina and Georgia and from Rhode island M^r [Peleg] Arnold from Connecticut M^r [William Samuel] Johnson from New Jersey M^r [Jacob] Scheurman and from Delaware M^r [Dyre] Kearny.

¹ WEDNESDAY, MAY 2, 1787.

Congress Assembled, present Massachusetts, New York, New Jersey, Pennsylvania, Virginia, North-Carolina and Georgia, and from Rhode Island M^r [Peleg] Arnold, from Connecticut M^r [William Samuel] Johnson and from Delaware M^r [Dyre] Kearny.

On a report ² of the Committee, consisting of M^r [Henry] Lee, M^r [James Mitchel] Varnum and M^r [Charles] Pettit, to whom was referred a letter ³ from the Sec^y at War of August 1st 1786, recommending the sale of certain damaged and useless military stores,

Resolved, That the Secretary at War be authorized and directed to sell at public Auction or otherwise the Arms, ammunition, and other Stores designated in the following list, and that he account with the Board of Treasury for the proceeds of the Sales, viz.

at Springfield,

413 old militia Arms

365 old militia gun barrels

985 old gun locks.

¹ Roger Alden takes up the entry.

² *Papers of the Continental Congress*, No. 27, pp. 325-327, read and passed May 2, 1787. See April 24, 1787.

³ See *Journals*, vol. XXXI, pp. 457-458.

at Westpoint

50 or 60 Tons of unserviceable iron Ordnance
 20 Tons of old carriage Iron.
 2000 damaged muskets
 700 pistols.
 2 Tons of saltpetre
 1000 lb of rope
 a large number of saddles and horse harness
 a quantity of carpenters and blacksmiths tools
 12 barrels of tin
 Iron stoves and stove plates
 a number of wooden frames and buildings

Tons	C	Qrs	lb
12.	10	2.	13 damaged powder.

at Philadelphia

574 lbs shruff copper
 394 d° black lead
 157 d° Antimony
 956 d° old Junk
 517 d° desk furniture
 1194 damaged muskets
 1066 damaged carbines
 4446 damaged musket barrels

at Carlisle

2572 pounds of paper sorts
 5892 d° nails
 15079 d° bar Iron
 3600 d° steel
 288 d° Antimony
 195 Yards of Duck
 blacksmith Tools
 2942 old musket locks
 121 lbs Iron wire
 62 sides of tanned leather

116¼ lbs of copperas
 3673 damaged muskets
 1409 damaged cartridge boxes

Virginia

C
 1 Ton 3 damaged powder.

[Reports of the Secretary of Congress ¹]

MAY 1 1787

On the petition of John Wait stating that in 1782 and 1783 he advanced clothing and other necessaries to soldiers and took their orders on the paymasters with the approbation of the colonels and commanding Officers of the respective regiments. That on account of desertion sundry of these orders are rejected, by which he is deprived of 1118 dollars and praying that certificates may be issued to him in the name of those persons from whom he has good Orders notwithstanding their desertion

The Sec^y of Congress reports

agreed May 2 That the petition of John Wait be referred to the board of treasury to report.²

On the letter of 26 April 1787 from the Sec^y at War touching the lands due to the Officers and Soldiers of the late Army

The Sec^y of Congress reports

agreed That the letter of 26 April from the Sec^y at War be referred to a com^{ee}.³

[Report of Board of Treasury on memorial of B. Stelle ⁴]

The Board of Treasury to whom was referred the Memorial of Benjamin Stelle

¹ *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, p. 54.

² *The Committee Book, Papers of the Continental Congress*, No. 190, p. 148, states that Wait's petition was referred on May 2, 1787, to the Board of Treasury to report. See April 26, 1787.

³ According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 148, this committee, appointed May 2, 1787, consisted of Mr. Edward Carrington, Mr. Rufus King, Mr. Nathan Dane, Mr. James Madison and Mr. Egbert Benson. Mr. Joseph Platt Cook replaced Mr. Benson on October 9, 1787. Report rendered October 12, and acted on October 22, 1787. See April 26, 1787.

⁴ *Papers of the Continental Congress*, No. 138, II, pp. 401-403, read May 2 and passed October 2, 1787. See March 28, 1787.

Beg leave to Report

That the Memorialist acted as an Assistant Paymaster to Ebenezer Hancock Esquire from April 1778 to the 1st of June 1779.

That the Resolve¹ of Congress of the 4th of June 1779 directed M^r Hancock Deputy Paymaster of the Eastern Department to repair to Providence and take charge of the Military Chest there under the care of the Memorialist as an Assistant.

That M^r Hancock did not comply with this direction, in consequence of which Colonel Palfrey the then Paymaster General stated the matter to the Board of Treasury who gave it as their Opinion "That M^r Stelle ought to settle with M^r Hancock untill he made his Returns to the Pay Office from which Period he ought to settle with the Paymaster General."

That agreeably to the above opinion Col^o Palfrey directed M^r Stelle to settle his accounts with M^r Hancock to the 1st of June 1779, and no longer; observing that as M^r Hancock had declined going to Providence M^r Stelle must be considered as acting in a seperate Department.

That Colonel Palfrey sent the Memorialist Instructions as a Deputy Paymaster and addressed his Letters to him as such after the first of June 1779.

That the said Memorialist has had his Accounts adjusted at the Treasury, from which it appears that he received large sums of Public Money and accounted for the same as a Deputy Paymaster although on such adjustment he has been allowed the pay of an Assistant only from the 1st of April 1778, to the 1st of April 1781.

That the want of a formal appointment as Deputy Paymaster prevented his being allowed the Pay of such an Officer, which by the Resolve² of Congress of the 28th of August 1777 is Eighty Dollars per Month, whilst that of an Assistant is only Fifty Dollars per Month.

Under the above Circumstances the Board submit to the Consideration of Congress the following Resolve Viz³

That there be allowed to Benjamin Stelle the Pay and Emoluments of a Deputy Paymaster in a seperate Department, from the first of June 1779, to the first of April 1781.

All which is humbly submitted.

SAMUEL OSGOOD

WALTER LIVINGSTON

April 27th 1787.

¹ Journals, vol. XIV, p. 686.

² Journals, vol. VIII, p. 693.

[Report of Commissioner of Army Accounts on petition of I. Putnam ¹]

The Commissioner for settling the accounts of the late army begs leave to report on the Petition of Israel Putnam late a Major General in the service

That General Putnam when commanding in the middle department gave his note of hand payable on demand to the deputy Paymaster of that division for the sum of three thousand dollars "borrowed of him in order to advance to Major Romans Captain Fallan and Lieut^t Day for the use of their returning the bounty for the British deserters which are drawn from this division into the Georgia service by order of his Excellency General Washington.

That the deputy paymaster produced this Obligation as his voucher for the payment of so much money which was passed in the Settlement of his accounts to his credit and carried to the Debit of General Putnam.

That the sum of six hundred and twenty dollars of this money has been returned by the Georgia Officers, into the military chest for which General Putnam has a credit and now stands charged with the Balance amounting to Two thousand three hundred and Eighty dollars.

That the General in order to discharge himself from this balance has produced a note of hand given to himself of the same date and for the same sum with his to the Deputy paymaster and signed by the Officers mentioned in that obligation in which note of hand are the following words "which we have borrowed of him in behalf of the Delegates from the State of Georgia for the use of paying the bounty for British deserters which we have taken out of the division under his command by orders of his Excellency General Washington."

That your Commissioner having considered the circumstances of this transaction is of opinion that the general has by giving his own obligation become responsible for the return of the money to the United States or to procure such vouchers as will make the same a proper charge against the State of Georgia, and is of further opinion that the voucher exhibited by him is not sufficient to warrant a charge

¹ *Papers of the Continental Congress*, No. 62, pp. 211-213, read May 2, 1787. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 148, this report was referred to a committee consisting of Mr. William Pierce, Mr. William Grayson and Mr. William Samuel Johnson. It reported May 7, 1787 and the report was acted on October 1, 1787.

against the State, as it does not appear that any account of these advances has been rendered to the state or that the Officers have credited the same on the settlement of their accounts with the Auditors of that State.

Your Commissioner further begs leave to report

That it appears by the resolution¹ of Congress of the 27th of Sept. 1781 that the depreciation of the General Officers was recommended to be settled by the several States of which the General Officers were Inhabitants, on the same principles with their respective Lines.

That the State of Connecticut of which General Putnam was an Inhabitant has settled his accounts to the first day of January 1780 and no further, and

That the General has petitioned the Legislature of Connecticut for the further settlement of his accounts to the first day of August 1780 which memorial was negatived.

Whereupon your Commissioner humbly submits the following question, whether the General shall still be referred to the State or that one of the Officers of Congress be directed to settle his accounts for this period. All which is humbly submitted.

On behalf of,

JOHN PIERCE Esq. *Commis*

JOSEPH HOWELL Jun^r

OFFICE OF ARMY ACCOUNTS
New York April 30th 1787

His Excellency

THE PRESIDENT OF CONGRESS.

[Letter of Secretary for Foreign Affairs on commission of P. Bond ²]

OFFICE FOR FOREIGN AFFAIRS

1st May 1787

SIR: M^r P. Bond has applied to me repeatedly about the Business of his Commissions now before Congress. His anxiety relative to it has brought him to this City; and he earnestly requests that it may be concluded with as little Delay as may consist with the Convenience of Congress.

¹ *Journals*, vol. XXI, p. 1020. The date should be September 28, 1781.

² *Papers of the Continental Congress*, No. 81, III, pp. 101-102, read May 2, 1787. See May 3, 1787.

As it is natural that not only M^r Bond but also his Court should experience some Solicitude on the Subject, I take the Liberty of mentioning these Circumstances to your Excellency; and to observe that it would be a Pity the Influence of your late circular Letter on general Opinion and on british Prejudices and Complaints, should be weakened by any Measure less liberal, especially if in *itself* not very important to either Country.

I have the honor to be, etc.,

JOHN JAY

His Excellency

THE PRESIDENT OF CONGRESS.

[Report of Secretary for Foreign Affairs on petition of
Hannah Stephens ¹]

OFFICE FOR FOREIGN AFFAIRS

1st May 1787

The Secretary of the United States for the Department of foreign Affairs to whom was referred a Petition from Hannah Stephens praying that her Husband be redeemed from Captivity at Algiers, and also a Letter from the Honble T. Jefferson proposing that a certain Order of Priests be employed for such Purposes,

Reports

That in his Opinion Resolutions of the following Tenor would be expedient, Viz^t

Resolved that the Honorable T. Jefferson Esquire the Minister of the United States at the Court of Versailles be, and he hereby is authorized to take such Measures as he may deem most adviseable for redeeming the American Captives at Algiers, and at any Expence not exceeding that which European Nations usually pay in like Cases.

Resolved that the Board of Treasury be and they hereby are directed to provide Ways and Means for enabling Mr: Jefferson to defray the said Expences, either by remitting Money from hence or by a Credit in Europe.

All which is submitted to the Wisdom of Congress.

JOHN JAY.²

¹ *Papers of the Continental Congress*, No. 81, III, p. 105, read May 2, and passed July 18, 1787. See April 23, 1787.

² MAY 2, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 147, the following committee was appointed:

THURSDAY, MAY 3, 1787.

Congress Assembled present, Massachusetts New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina and Georgia and from Delaware M^r [Dyre] Kearny, and from Rhode Island M^r [Peleg] Arnold.

M^r David Ross and M^r Nathaniel Ramsay, Delegates for Maryland attended and produced credentials whereby it appears that they are appointed to represent the said State in Congress for one Year from the second Monday in December 1786.

[Credentials of Maryland delegates ¹]

To the Honourable William Harrison, William Hindman, Uriah Forrest David Ross, and Nathaniel Ramsey Esquires.

The State of Maryland reposing special Trust and Confidence in your diligence, wisdom and fidelity, hath appointed you Delegates for this State in the United States in Congress assembled, with full power and authority to you, or any two or more of you, to represent W. Smallwood sent and act for this State in the United States in Congress assembled, for One whole year from the second Monday of this instant December, and also you or either of you, are fully

Mr. Nathaniel Gorham, Mr. Charles Pettit and Mr. William Grayson on the petition of John Dean, jr., April 27, 1787, read May 2, for sea letters. *Papers of the Continental Congress*, No. 42, II, p. 358. See May 3, 1787.

Also according to indorsement and the *Committee Book*, p. 148, a letter of the Governor of Virginia to President of Congress, April 16, 1787, with an Act of the Legislature respecting indents, was referred to the Board of Treasury to report. *Papers of the Continental Congress*, No. 71, II, p. 527. Report rendered July 11, 1787.

According to indorsement the following petitions were read:

Petition of Duncan Campbell, April 6, 1787, praying for payment for services. *Papers of the Continental Congress*, No. 42, II, pp. 265-266. See July 7, 1787.

Petition of Richard Lawrence, April 26, 1787, for relief from imprisonment for debts. *Papers of the Continental Congress*, No. 42, IV, pp. 426-428. See July 7 1787.

According to the *Despatch Book*, *Papers of the Continental Congress*, No. 185, IV, p. 11, was received:

Petition of Joseph Pellon for land promised to the Canadians.

¹ Original credentials read May 3, 1787, in *Papers of the Continental Congress*, Maryland Credentials. Copied in *Record of Credentials*, *Papers of the Continental Congress*, No. 179, I, p. 214. See February 15, 1787.

empowered and authorised to represent and Act for this State in a Committee of the States, which may within the time aforesaid be appointed by the United States in Congress assembled.

Given under my Hand and the Seal of the State, at the City of Annapolis this second Day of December Anno Domini 1786

[SEAL PENDENT]

The committee consisting of M^r [Nathaniel] Gorham M^r [Charles] Pettit and M^r [William] Grayson, to whom was referred the Memorial of John Dean Jun^r in behalf of John Dean and Henry Bowers of Boston in the State of Massachusetts, praying that a Sea Letter may be granted for the Ship Friendship, Josiah Roberts Commander, having reported,¹

That they are assured that the vessel abovementioned with her cargo belongs to citizens of the United States, and is navigated by citizens of the United States,

Resolved, That a Sea letter in the usual form be granted.

On a report² of the Board of Treasury to whom was referred a motion for repealing the special Requisition³ of the 21st of October last; together with the resolve directing the Board of Treasury to open a loan on the credit of the said Requisition,

Resolved, That all monies accruing from the Requisition of the 21st of October last, or advanced by any of the States for the recruiting, subsisting or cloathing of the Troops, directed to be raised by the Resolves of Congress of the 20th of October last,⁴ be credited to such States, on the Specie requisition of 1784, 1785 or 1786, at the option of the States respectively; Provided, that no State having made

¹ This report, in the writing of Mr. Nathaniel Gorham, is indorsed on the back of the petition which was read May 2, 1787.

² See April 18, 1787.

³ *Journals*, vol. XXXI, pp. 894-895.

⁴ *Journals*, vol. XXXI, pp. 892-893.

such Advances shall obtain credit therefor, till the Accounts relative to the same are adjusted at the Treasury of the United States.

Resolved, That the Act of Congress of the 21st of October last directing the Board of Treasury to open a Loan on the credit of the said requisition, be and it is hereby repealed.

¹ Congress proceeded to the consideration of the report² of the Secretary of the United States for the Department of foreign Affairs, to whom was referred his letter of 8th December last to His Excellency The President with two commissions from his britannic Majesty dated the 5th day of April 1786, the one constituting Phineas Bond Esq^r his Consul for New York, New Jersey, Pennsylvania, Delaware and Maryland, the other constituting him his Majesty's Commissary for commercial Affairs throughout the United States, and Congress approved of the said report and agreed to the following Resolutions³ to wit,

Whereas Phineas Bond Esq^r has presented to the United States in Congress Assembled a commission in due form bearing date the 5th April 1786 from his britannic Majesty constituting and appointing him the Consul ~~General~~ of his said Majesty in the States of New York, New Jersey, Pennsylvania, Delaware and Maryland, and although no commercial treaty or convention subsists between his Majesty and the United States whereby either have a perfect right to establish Consuls or Commissaries in the dominions of the other, yet as the United States are disposed by every proper mark of liberality and attention to promote a good

¹ The proceedings from this point to the end of the entry of the Public Journal are also entered by John Fisher and signed by Charles Thomson in the *Secret Journal Foreign, Papers of the Continental Congress*, No. 6, III, pp. 372-373 and by Benjamin Bankson in *Secret Journal, Foreign Affairs, Papers of the Continental Congress*, No. 5, III, pp. 1607-1609.

² See March 29, 1787.

³ There is a Mss. copy of this Act recognizing Bond, signed by Thomson, in *Papers of the Continental Congress*, No. 55, pp. 309-310.

correspondence between the two countries, and particularly as amicable negotiations are now depending between them,

Resolved, That the said Phineas Bond Esq^r be and he hereby is received and recognized as the Consul of his britannic Majesty, throughout the States of New York, New Jersey, Pennsylvania, Delaware and Maryland, and that his commission be registered in the Secretary's Office.

Resolved, That all the privileges, pre-eminences and Authority which the Laws of Nations and of the land give to a Consul received by the United States from any Nation with whom they have no commercial Treaty or convention are due to and shall be enjoyed by the said Phineas Bond as Consul for the five States abovementioned, and that certified copies of these resolutions be transmitted to the Executives of the said five States for their Information.

¹ The Secretary for foreign Affairs reported the following draught of a Letter to M^r Adams

“SIR: In Obedience to the orders of Congress I have the honor of informing you that Phineas Bond Esq^r has presented to Congress a Commission from his Britannic Majesty constituting him Commissary for all Commercial Affairs within the United States, and another Commission constituting him Consul for the States of New York, New Jersey, Pennsylvania, Delaware and Maryland.

Congress being desirous on this and every other occasion to manifest their disposition to cultivate a friendly correspondence with Great Britain have received M^r Bond in his latter Capacity, although no treaty or Convention subsists between the two Countries whereby

¹ From this point to the end of the day the entries were made by John Fisher and attested by Charles Thomson in *Secret Journal Foreign, Papers of the Continental Congress*, No. 6, III, pp. 373-374 and by Benjamin Bankson in *Secret Journal, Foreign Affairs, Papers of the Continental Congress*, No. 5, III, pp. 1609-1610.

either have a right to establish Consuls in the dominions of the other.

As yet Congress have not received any Commissaries for Commercial Affairs, and they think it most prudent not to receive them from any Nation until their powers shall have been previously ascertained by agreement, lest as those appointments are seldom made, and both parties may not have precisely the same Ideas of the extent of the powers and privileges annexed to them, disagreeable questions and discussions might and probably would otherwise take place on those delicate Subjects.

You will be pleased to submit these reasons to his Majesty, and to assure him that Congress regret the objections which oppose their complying with his wishes in this instance but that they are ready to join with his Majesty in such agreements or Conventions as may be necessary to remove them and which may also tend to promote and establish a friendly and satisfactory Commercial intercourse between the two Countries.

*Ordered*¹ That the above letter be referred to the Secretary for foreign affairs to take order.

CHA^s THOMSON *Sec^y*.

[Letter of Secretary at War on discharge of troops²]

WAR OFFICE *May 2nd 1787.*

SIR: I have the honor to inform Congress that in consequence of their resolves of the 9th ultimo I have directed all the troops which were raised by virtue of the acts of Congress of the 20th of October 1786 to be disbanded excepting two companies of artillery from the State of Massachusetts.

¹ Notation as to this order is made in the *Committee Book, Papers of the Continental Congress*, No. 190, p. 148.

² *Papers of the Continental Congress*, No. 150, II, pp. 327-329, read May 3, 1787.

The commissioned officers in the states of New Hampshire and Rhode Island were appointed but the recruiting service had not commenced.

I have not yet received the Muster rolls from Massachusetts but the recruits amount to about three hundred men, all of whom excepting two companies of artillery each of one captain, two subalterns and seventy noncommissioned officers and privates were ordered to be disbanded previous to the first instant. The artillery companies will march to Springfield about the 4th or 5th instant; on their arrival at that place the Connecticut troops amounting to one hundred and fifty seven noncommissioned officers and privates will be disbanded.

The troop of cavalry in Virginia was completed to the establishment and will be disbanded as soon after the orders arrive as shall be practicable.

The state of Maryland did not comply with the requisition of Congress for the troops.

The Board of Treasury propose as the best means in their power to draw orders on the Receivers of Continental taxes of the states respectively in which the troops were raised for the payment of the arrears.

Agreeably to the order of Congress of the 20th of October 1786 I arranged the troops then specified into

three regiments of infantry of eight companies each
 one battalion of artillery of four companies
 one battalion of riflemen of four companies
 Two troops of dragoons

By the disbandment of the 9th of April 1787 the present establishment will consist of

One Regiment of infantry of eight companies of seventy noncommissioned officers and privates.
 and One company not formed owing to the fractional parts of companies from the several states not being completed.
 One battalion of Artillery commanded by a major and consisting of four companies of seventy noncommissioned officers and privates each

I have the honor to be, etc.,

H KNOX

His Excellency

THE PRESIDENT OF CONGRESS

[Letter of Secretary for Foreign Affairs transmitting correspondence ¹]

OFFICE FOR FOREIGN AFFAIRS

3^d May 1787

SIR: I have the Honor to transmit to your Excellency herewith enclosed two Letters from M^r Jefferson ² of 27th October and 14th February, also two from M^r Adams ³ of 27th January and 24th February, and one from Col^l Smith ⁴ of 26th February last, together with the Papers mentioned to be enclosed with them respectively; and am with great Respect and Esteem etc.,

JOHN JAY.⁵

His Excellency

THE PRESIDENT OF CONGRESS.

¹ *Papers of the Continental Congress*, No. 80, III, p. 241, read May 3, 1787.

² Jefferson's letter of October 27, 1786, transmitting enclosures of letter of October 23 on commerce, is in *Papers of the Continental Congress*, No. 87, I, p. 762. Copy of that of February 14, 1787, announcing the death of Vergennes and discussing medals for generals, is in No. 107, II, pp. 2-3. See July 26, 1787.

³ Adams' letter of January 27, 1787, dealing with sixteen Chinese seamen and the practice of changing British into American bottoms for the East Indian trade, is in *Papers of the Continental Congress*, No. 84, VI, p. 407, with its enclosures on pp. 411 and 415-416. That of February 24, 1787 relating to the expenses of R. Harrison for prisoners released from Morocco, is in *ibid*, p. 427 with its enclosures on pp. 431-436. There is also another letter of Adams' of January 27, 1787, dealing with the conclusion of the Moroccan treaty, commendation of Barclay and Franks and no progress in Portuguese negotiation, in *Papers of the Continental Congress*, No. 84, VI, pp. 403-405. See July 6 and 30, 1787.

⁴ Smith's letter, giving an account of debates in English parliament respecting America, is in *Papers of the Continental Congress*, No. 92, pp. 192-193.

⁵ MAY 3, 1787. According to the *Committee Book*, *Papers of the Continental Congress*, No. 190, pp. 148-149, the following committees were appointed:

Mr. Melancton Smith, Mr. Nathaniel Gorham and Mr. Nathan Dane on a letter of Samuel Fraunces, May 2, 1787, requesting that a mistake in a resolution respecting him be rectified. Report rendered May 11, 1787.

Mr. Abraham Clark, Mr. Charles Pettit, Mr. William Grayson, Mr. William Pierce and Mr. Henry Lee on a motion of Mr. Pierce respecting a requisition for the present year with the estimate of the Board of Treasury for 1787. The Committee was renewed on July 10, 1787. The estimates for 1787 are in *Papers of the Continental Congress*, No. 141, II, pp. 161-187. See April 2, 1787.

Also according to the *Committee Book* a memorial of John Vanderhoven, received May 3, 1787, for the adjustment and payment of his accounts was referred to the Board of Treasury to report.

FRIDAY, MAY 4, 1787.

Congress Assembled present as before.

An Ordinance for settling the Accounts between the United States and Individual States was read a second time.¹

Ordered that Monday next be assigned for the third reading of the said Ordinance.

Ordered that Monday next be assigned for the electing of two Commissioners for settling the Accounts of the five great Departments.

MONDAY, MAY 7, 1787.

Congress Assembled, present Massachusetts New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina and Georgia, and from Rhode Island M^r [Peleg] Arnold.

Congress proceeded to the election of two Commissioners for settling the Accounts of the five great Departments, and the ballots being taken,

M^r Jonathan Burrell was unanimously elected a Commissioner for settling the Accounts of the Quarter-Master's and Commissary's departments, having been previously nominated by M^r [Charles] Pettit.

M^r Benjamin Walker was unanimously elected Commissioner for settling the accounts of the Hospital, Marine, and Clothier's departments having been previously nominated by M^r [Rufus] King.

² Congress resumed the consideration of the Ordinance for settling the Accounts between the United States and

¹ See April 18, 1787, for first reading.

² From this point to "Be it ordained" there is a skeleton memorandum of the proceedings of this day, in the writing of Roger Alden, in *Papers of the Continental Congress*, No. 59, III, pp. 249-250, with the yeas and nays of the three recorded votes on p. 253, columns III-V.

Individual States,¹ and the following clause being under debate, viz.

“And be it further ordained that wherever it shall appear to the said board of Commissioners that advances or disbursements of the description aforesaid have been made by any of the States, that the said Commissioners be, and they are hereby vested with full power and Authority to make such allowance for the same as they shall think consistent with the principles of general equity.”

A motion ² was made by M^r [Egbert] Benson seconded by M^r [Melancton] Smith to amend the clause, so that it read as follows,

And be it further ordained, that wherever it shall appear to the said board of Commissioners, that advances or disbursements have been made by any of the States for Articles or Services for the use of the United States, that the said Commissioners be and they are hereby vested with full power and Authority to make such allowance for the same, as they shall think consistent with the principles of general equity, although such advances or disbursements may not be sanctioned by the resolves of Congress, or supported by regular vouchers.

On the question to agree to this Amendment, the Yeas and Nays being required by M^r Grayson.

¹ See April 18, 1787, for first reading and May 4, for second reading.

² A draft of the changes proposed in order to effect the new reading, in the writing of Mr. Egbert Benson, is in *Papers of the Continental Congress*, No. 59, III, p. 453.

<i>Massachusetts</i>			<i>Delaware</i>		
M ^r Gorham	no	} no	M ^r Mitchell	ay	} divided
M ^r Dane	no		M ^r Kearny	no	
<i>Rhode Island</i>			<i>Maryland</i>		
M ^r Arnold	ay	*	M ^r Ross	ay	} ay
<i>New York</i>			M ^r Ramsay	ay	
M ^r Smith	ay	} ay	<i>Virginia</i>		
M ^r Haring	ay		M ^r Grayson	no	} ay
M ^r Benson	ay		M ^r Carrington	ay	
<i>New Jersey</i>			M ^r Lee	ay	
M ^r Clarke	ay	} ay	<i>North Carolina</i>		
M ^r Scheurman	ay		M ^r Hawkins	ay	} ay
<i>Pennsylvania</i>			M ^r Ashe	ay	
M ^r S ^t Clair	ay	} ay	<i>Georgia</i>		
M ^r Pettit	ay		M ^r Few	ay	} ay
M ^r Meredith	ay		M ^r Pierce	ay	

So it was resolved in the Affirmative.

The following clause being under debate (viz) "And whereas it is essential to the welfare of the confederacy, that the Accounts of the several States should be speedily adjusted; that this adjustment should be effected on uniform principles and that provision should be made for allowing such disbursements as may have been made by the respective States for the benefit of the Union, although the same be not sanctioned by the resolves of Congress or supported by regular vouchers."

A motion was made by M^r [Egbert] Benson to strike out "benefit", and in lieu thereof to insert, "use".

On the question to agree to this amendment the Yeas and Nays being required by M^r [William] Grayson,

<i>Massachusetts</i>			<i>Delaware</i>	
M ^r Gorham	no	}	M ^r Mitchell	ay
M ^r Dane	no		M ^r Kearny	no
<i>Rhode Island</i>			<i>Maryland</i>	
M ^r Arnold	ay *		M ^r Ross	ay
<i>New York</i>			M ^r Ramsay	ay
M ^r Smith	ay	}	<i>Virginia</i>	
M ^r Haring	ay		M ^r Grayson	no
M ^r Benson	ay		M ^r Carrington	ay
<i>New Jersey</i>			M ^r Lee	ay
M ^r Clarke	ay	}	<i>North Carolina</i>	
M ^r Scheurman	ay		M ^r Hawkins	ay
<i>Pennsylvania</i>			M ^r Ashe	ay
M ^r S ^t Clair	ay	}	<i>Georgia</i>	
M ^r Pettit	ay		M ^r Few	ay
Mr ^r Meredith	ay		M ^r Pierce	ay

So it was resolved in the Affirmative.

The Ordinance being amended and read a third time; on the question, shall this Ordinance pass the Yeas and Nays being required by M^r [Abraham] Clarke,

<i>Massachusetts</i>			<i>Delaware</i>	
M ^r Gorham	ay	}	M ^r Mitchell	ay
M ^r Dane	ay		M ^r Kearny	ay
<i>Rhode Island</i>			<i>Maryland</i>	
M ^r Arnold	ay *		M ^r Ross	ay
<i>New York</i>			M ^r Ramsay	ay
M ^r Smith	ay	}	<i>Virginia</i>	
M ^r Haring	ay		M ^r Grayson	ay
M ^r Benson	ay		M ^r Carrington	ay
<i>New Jersey</i>			M ^r Lee	ay
M ^r Clarke	ay	}	<i>North Carolina</i>	
M ^r Scheurman	ay		M ^r Hawkins	ay
<i>Pennsylvania</i>			M ^r Ashe	ay
M ^r S ^t Clair	ay	}	<i>Georgia</i>	
M ^r Pettit	ay		M ^r Few	ay
M ^r Meredith	ay		M ^r Pierce	ay

So it passed unanimously as follows

An Ordinance for settling the Accounts between the United States and Individual States.¹

Be it Ordained by the United States in Congress Assembled, That five Commissioners be appointed by the Board of Treasury, whose duty it shall be to go to the several States in the districts hereafter mentioned, for which they may be respectively appointed, for the purpose of stating the Accounts of the States within those districts, against the United States. That the States of New Hampshire, Massachusetts, Connecticut and Rhode Island form one district. That the States of New York and New Jersey form one district. That the States of Pennsylvania Delaware and Maryland form one district. That the States of Virginia and North Carolina form one district. And that the States of South Carolina and Georgia form one district.

That it shall be the duty of the said commissioners respectively to receive of the States for which they are appointed, all their Accounts and vouchers for payments made on account of bounties, pay, and depreciation of pay to the late Army of the United States; and for advances to the Militia called out under the authority of the United States, and actually in their service; and to give descriptive acknowledgments thereof to the States from which they may be received, which Accounts and Vouchers shall be immediately forwarded to the Commissioner of Army Accounts, whose duty

¹ A broadside of the draft as presented by the Board of Treasury, on April 18, 1787, with Mss. changes to bring it into conformity with the Ordinance as finally passed is in *Papers of the Continental Congress*, No. 59, III, p. 451. The Ordinance is entered by Benjamin Bankson, with completed final paragraph and signature of A: S: Clair, President, in *Register of Ordinances, Papers of the Continental Congress*, No. 175, pp. 115-120. The Library of Congress has a broadside of the Ordinance as passed, without the date paragraph, signed by Chas. Thomson, Secy.

The phrases and words underlined by the editor indicate additions or changes made to the original draft during debate without any recorded motions. Other modifications are indicated in the footnotes. See March 29 and May 4, 1787.

it shall be to examine and pass such as are authorised by the resolves of Congress, and supported by proper vouchers; and to state such as may not fall under the above description together with such remarks as may tend to elucidate the nature of these claims.

That it shall further be the duty of the said Commissioners to receive in like manner the accounts and vouchers for monies paid, and supplies furnished on the requisitions of Congress made previously to October 1781, and to forward the same to the Office of the Comptroller of the Treasury.

That it shall also be the duty of the said commissioners to receive and examine all the claims of the States to which they are appointed against the United States, for advances or disbursements by them made for the use of the late commissary, quarter Master, cloathing, marine and hospital departments, or under any other description whatsoever, to pass upon all such as are authorised by the resolves of Congress, and supported by proper vouchers, so far as it respects the evidence offered in support of the said claims, and to state such as are not thus warranted, or supported, together with such remarks as may explain the nature of these accounts, and the reasons offered for the deficiency of vouchers.

¹ And be it further Ordained by the authority aforesaid, that on all the Accounts aforesaid interest shall be allowed at the rate of six per cent per annum, agreeably to the Resolves of Congress.

And Whereas it is essential to the welfare of the Confederacy, that the Accounts of the several States should be speedily adjusted; that this adjustment should be effected on uniform principles, and that provision should be made for allowing such advances or disbursements as may have been made by the respective States for the use of the Union, al-

¹ Benjamin Bankson takes up the entry at this point.

though the same be not sanctioned by the resolves of Congress or supported by regular vouchers.

Be it thereupon Ordained That the several States be, and they are hereby limited to the space of six months for exhibiting to the proper Commissioner, their Claims against the United States of whatever nature the same may be; and that such States as may neglect to exhibit the same within that period of time, after the Commissioner has notified to the Supreme Executive thereof, that he is ready to proceed on the business of his Commission, shall be precluded from any future allowance; but shall nevertheless stand chargeable with all advances of money or other Articles which may have been made to them respectively by the United States, and with whatever balances may be yet due on their several quotas of the general requisitions.

And be it further Ordained, That the said Commissioners of districts, shall within twelve months after they enter on the duties of their several Appointments repair to the place, where the United States in Congress may hold their sessions, with such accounts and vouchers as they may have in possession, and deliver the same to the Comptroller of the Treasury, on which their Commission shall terminate.

Be it further Ordained, That a Board consisting of three Commissioners be appointed by the United States in Congress Assembled, whose duty it shall be to receive from the Comptroller of the Treasury, and from the Commissioner of Army Accounts, all the Accounts and Claims of the several States deposited in their respective Offices, and to examine such of the said Accounts as shall have been passed by the Commissioners of the several districts, in order that the same may be finally adjusted on uniform and equitable principles,

¹ having reference to the settlement of Accounts heretofore made by the Commissioners of the different States; provided that such revision of the Accounts above mentioned, shall not in any wise affect the validity of the vouchers admitted by the Commissioners of the respective States.

And be it further Ordained, That wherever it shall appear to the said Board of Commissioners that advances or disbursements, payments or supplies of the description aforesaid have been made by any of the States,² subsequent to the 18th of April 1775 for Articles or services for the use of the United States, that the said Commissioners be, and they are hereby vested with full power and authority to make such allowance for the same as they shall think consistent with the principles of general equity,³ although such advances or disbursements may not be sanctioned by the resolves of Congress or supported by regular vouchers,⁴ so as to enable the said Commissioners to make a final adjustment of all the accounts subsisting between the United States and the several members thereof agreeably to such quota as Congress shall hereafter determine.

And be it further Ordained, That the determination of a majority of the aforesaid Board of Commissioners on the

¹ The amendment "having reference to the settlement of accounts heretofore made by the Commissioners of the different States" was made on motion No. 1, which, in the writing of Mr. Melancton Smith, is in *Papers of the Continental Congress*, No. 59, III, p. 453.

² The amendment "subsequent to the 18th of April 1775" was made on motion No. 6, which, in the writing of Mr. Arthur St. Clair, is in *Papers of the Continental Congress*, No. 59, III, p. 454.

³ The amendment "although such advances : : supported by regular vouchers" was made on motion No. 4, which, in the writing of Mr. Egbert Benson, is in *Papers of the Continental Congress*, No. 59, III, p. 454. See *Journal* above.

⁴ The amendment "so as to enable . . . as Congress shall hereafter determine" was made on motion No. 5, which, in the writing of Mr. Arthur St. Clair is in *Papers of the Continental Congress*, No. 59, III, p. 454.

Claims submitted to them shall be final and conclusive,¹ and that their Commission shall continue in force for one year and an half from the time of their entering on the duties of their Office, unless sooner revoked by Congress.

And be it further Ordained, That the pay of the Commissioners of Districts, shall be at the rate of twelve hundred and fifty dollars per annum, and that of their Clerks at the rate not exceeding four hundred and fifty dollars per annum each.²

And be it further Ordained, That every person employed or to be employed in pursuance of this Ordinance, shall previous to entering on the duties of his Office, take and subscribe³ an Oath faithfully and impartially to perform the duties of the Office to which he is appointed, certificates of which shall be deposited with the Secretary of Congress.

And be it further Ordained, That the Ordinance of the 13th of October 1786, entitled "An Ordinance for establishing a Board to liquidate and settle all Accounts between the United States and Individual States" be and it is hereby repealed.

Done &c.

[Report of Committee on Post St. Vincents and Illinois⁴]

The Committee consisting of M^r [James] Madison, M^r [Abraham] Clark, and M^r [Nathan] Dane to whom was referred sundry papers relative to the settlements of post St Vincents and the Illonois, report,

¹ The amendment "and that their commission revoked by Congress" was made on motion No. 2, which, in the writing of Mr. Arthur St. Clair, is in *Papers of the Continental Congress*, No. 59, III, p. 453.

² This paragraph is entered on the margin of the *Journal* and is crossed off on the copy in *Papers of the Continental Congress*, No. 59, III, p. 451.

³ The amendment "an oath faithfully he is appointed" was made on motion No. 3, which is in *Papers of the Continental Congress*, No. 59, III, p. 453.

⁴ *Papers of the Continental Congress*, No. 30, pp. 493-496, in the writing of Mr. Nathan Dane. Read May 7, 1787. Assigned for Tuesday, May 8. See March 29 and April 10, 1787. No further action in 1787.

That in the settlements of post St Vincents the Kaskaskias and Illonois there are a large number of Inhabitants, principally descendants of the Antient French settlers who have for seventy or eighty years past been governed by French laws usages and Customs. Your Committee find the Inhabitants of those places disposed to submit to Government and good order, and solicitous to receive their laws and protection from the United States, that for want of criminal laws and magistrates among them to administer their existing laws and customs they are subjected to very great inconveniences, and many mere land Jobbers are induced to intrude on their lands and disturbe their possessions, wherefore the Committee are clearly of opinion that Congress ought without delay to provide for the administration of Government and for forming some additional laws in those settlements, and therefore they submit the following resolves

Resolved that a Commissioner be appointed by Congress, whose commission shall continue in force three years unless sooner revoked, for the Settlements of post St Vincents Kaskaskias and Illonois whose duty it shall be to divide the said settlements into proper districts containing not more than eight nor less than four hundred inhabitants each, and as soon as may be to summon the Inhabitants of each to meet and elect as near as may be for each two hundred Inhabitants one magistrate.

Resolved that the magistrates of each district or the major part of them shall have full power and authority to hear and determine all Controversies not relating to property in lands, according to the laws, usages, and customs that prevail in such district.

Resolved that the said commissioner and the major part of the said magistrates of the district, (the whole being summoned to attend the Court) shall have full power and authority to examine into the titles and possessions of the Inhabitants thereof or persons claiming lands therein, to give judgment concerning them and to award execution according to the laws and customs prevailing in such district, and also to exercise criminal Jurisdiction and to take cognizance of all crimes and offences committed within the district and on complaint or information to consider the same and the evidence and award such sentence and punishments as are by the laws of Virginia annexed to like crimes and offences and it shall immediately be made known in said districts what punishments are annexed by the criminal laws of Virginia to the several species of crimes and offences.

Resolved that the said Commissioner and two thirds of the said magistrates of all the districts duly Assembled shall have full power by the consent of the commissioner and a major part of the magistrates present to make laws and to alter the laws of the said districts for the better government thereof reporting the same to Congress which shall be in full force unless disapproved of by Congress and the said Commissioner in all Courts or Assemblies, in which he shall be a member shall preside.

Resolved that the said Commissioner with the advice and Consent of the major part of the said Magistrates of the district shall appoint executive officers therein respectively to carry their decrees into execution, and also a register in each district and the said magistrates executive officers and registers shall continue in Office four years unless sooner removed therefrom by Congress or those who appointed them respectively.

Resolved that the register of the District shall keep in some convenient place in it a registry in which there shall be recorded by him all deeds and Instruments conveying lands or any estate therein and also all executions extended on lands. it shall also be the duty of the register of the district to act as Clerk to and carefully record and preserve the proceedings of the Judicial Courts held therein.

Resolved that no property in lands after the first day of September next shall be transferred but by bargain and agreement fairly and openly made by the parties before some magistrate of the District in which the lands may be by deed in writing duly executed and acknowledged in his presence attested by him and two other witnesses and registered within twelve months after the execution thereof, or by executions duly extended and registered within six months from the time of extending the same.

Resolved that the Commissioner be and he is hereby empowered to organize, regulate and command the militia of the said Districts and to establish suitable posts of defence against the savages. it shall be his duty to preserve peace with the Indian nations and to permit no settlements on their lands or Intrusions on lands of the United States in that part of the Country. it shall be his duty and the duty of the magistrates to prevent by all proper means unfair and fraudulent purchases of the lands of the said Inhabitants. it shall be his duty also to explain to them the laws of the United States and to inform Congress from time to time of the situation and Interesting concerns of those districts. it shall be his duty constantly to reside among

the said Inhabitants and to promote Justice harmony and industry among them.

Resolved that the said Commissioner and all officers appointed in said districts previous to their entering on the duties of their respective offices shall take an oath of fidelity to the United States for the faithful discharge thereof and an oath of fidelity to the United States the said Commissioner before and the other officers before the said Commissioner certificates of all which oaths shall be lodged in the office of the Secretary of Congress.

Resolved that the Salary of the said Commissioner be at the rate of Dollars per annum and the register shall have reasonable fees established as also the other magistrates and officers for their services by the said Commissioner and magistrates authorised to make laws.

Resolved that the secretary at war furnish the said Commissioner with men of the troops of the United States for the protection of said Inhabitants and preservation of order among them and for the prevention of intrusions on public lands.

[Report of committee on memorial of I. Putnam ¹]

The Committee consisting of M^r [William] Pierce, M^r [William] Grayson, and M^r [William Samuel] Johnson, to whom was referred the Report of the Commissioner for Army Accounts on the Memorial of General Putnam, report,

That they having examined the nature of the charge exhibited against General Putnam, find it to stand on the following fact, viz^s "That Gen^l Putnam when commanding in the middle department in the Year 1777 gave his Note of hand payable on demand to the deputy pay master of that division for the sum of 3,000 Dollars borrowed of him in order to advance to Major Romans, Captain Fallan and Lieut^t Day for the use of ~~their returning~~ [paying] the bounty ~~for the~~ [to] British Deserters which were drawn from that division into the Georgia service by order of his Excellency Gen^l Washington. That the said pay-master produced the obligation as his voucher for the payment of so much Money, which was passed in the settlement of his Accounts to his credit, and carried to the debit of General Putnam.

¹ *Papers of the Continental Congress*, No. 19, V, pp. 227-230, in the writing of Mr. William Pierce. Read May 7, and passed October 1, 1787. See May 2, 1787.

That the Sum of 620 Dollars of this Money has been returned by the Georgia Officers into the military Chest for which Gen^l Putnam has a credit, and now stands charged with the balance amounting to two thousand three hundred and eighty Dollars. That the Gen^l in order to discharge himself from this balance has produced a note of hand given to himself of the same date and for the same sum with his, to the D^y Paymaster, and signed by the Officers mentioned in that obligation, in which Note of hand are the following words, "which we have borrowed of him (Gen^l Putnam) in behalf of the Delegates from the State of Georgia for the use of paying the bounty for British Deserters which we have taken out of the division under his command by order of his Excellency Gen^l Washington," whereupon the following Resolve is proposed

Resolved, that the Commissioner of Army Accounts be directed to credit Gen^l Putnam for the sum of 2,380 Dollars and that the said Commissioner make a statement of the circumstances to the Executive of Georgia, and send on authenticated copies of the several receipts, that the charges may be exhibited against the Officers in whose hands the Money was deposited.

[Report of Secretary of Congress on monument to General
Montgomery ¹]

The Sec^y of Congress pursuant to the Order of Congress reports the following inscription for the Monument of gen^l Montgomery viz.

"This monument is erected by Order of Congress 25 January 1776 to transmit to posterity a grateful remembrance of the Patriotism, conduct, enterprize and perseverance of maj. gen^l Richard Montgomery who after a series of successes amidst the most discouraging difficulties fell in the Attack on Quebec 31 Dec^r 1775, Ag^d 39 years."

Agreed to
May 7th

TUESDAY, MAY 8, 1787.

² Congress Assembled, present, Massachusetts, New York, New Jersey, Pennsylvania, Delaware Maryland, Virginia and North Carolina, and from Rhode Island M^r [Peleg] Arnold and from South Carolina M^r [Daniel] Huger.

¹ *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, p. 55. See April 26 and May 10, 1787.

² Roger Alden takes up the entry.

The committee consisting of M^r [William] Blount, M^r [James Mitchel] Varnum, and M^r [William] Grayson, to whom was referred the resolution of the State of Virginia of the 13th of January 1786 passed in conformity to a resolution entered into by the State of Maryland in the same Year, and to whom was referred the resolutions of the said State of Virginia of the 22^d Nov^r 1786, having reported,¹

“That Congress do consent to the annual meeting of commissioners as proposed in the said resolutions for the purposes therein expressed for the term of Years.

This report being under debate, a motion was made by M^r [William] Grayson, seconded by M^r [Samuel] Meredith, to amend the report by filling the blank with “seven,” which was agreed to.

A motion was then made by M^r [William] Grayson further to amend the report by adding “unless some general regulations of commerce shall sooner take place”.

And on the question to agree to this amendment the Yeas and Nays ² being required by M^r [William] Grayson,

<i>Massachusetts</i>			<i>Delaware</i>			
M ^r Gorham	no	}	M ^r Mitchell	no	}	
M ^r King	no		M ^r Kearny	no		
M ^r Dane	no		<i>Maryland</i>			
<i>Rhode-Island</i>			M ^r Ross	ay	}	
M ^r Arnold	no	*	M ^r Ramsay	ay		
<i>New York</i>			<i>Virginia</i>			
M ^r Smith	no	}	M ^r Grayson	ay	}	
M ^r Benson	no		M ^r Carrington	ay		
<i>New Jersey</i>			M ^r Lee	ay		
M ^r Clarke	no	}	<i>North Carolina</i>			
M ^r Scheurman	ay		div	M ^r Hawkins	ay	}
<i>Pennsylvania</i>			M ^r Ashe	ay		
M ^r S ^t Clair	no	}	<i>South Carolina</i>			
M ^r Pettit	ay		ay	M ^r Huger	ay	*
M ^r Meredith	ay					

¹ See March 13, 1787.

² This vote is noted in *Papers of the Continental Congress*, No. 59, III, p. 253, column I.

So the Question was lost.

On the Question to agree to the report of the committee, the Yeas and Nays¹ being required by M^r [William] Grayson,

<i>Massachusetts</i>				<i>Delaware</i>			
M ^r Gorham	no	}	no	M ^r Mitchell	no	}	no
M ^r King	no			M ^r Kearny	no		
M ^r Dane	no			<i>Maryland</i>			
<i>Rhode Island</i>				M ^r Ross	no	}	div ^d
M ^r Arnold	no	*		M ^r Ramsay	ay		
<i>New York</i>				<i>Virginia</i>			
M ^r Smith	no	}	no	M ^r Grayson	ay	}	ay
M ^r Benson	no			M ^r Carrington	ay		
<i>New Jersey</i>				M ^r Lee	ay		
M ^r Clark	no	}	no	<i>North Carolina</i>			
M ^r Scheurman	no			M ^r Hawkins	no	}	no
<i>Pennsylvania</i>				M ^r Ashe	no		
M ^r S ^t Clair	no	}	no	<i>South Carolina</i> ^t			
M ^r Pettit	no			M ^r Huger ^t	ay	*	
M ^r Meredith	ay						

So the Question was lost.

On a report² of the Secretary at War, enclosing the resignation of Ensign Bissel,

Resolved, That the resignation of Ensign Bissel of Col. Harmar's Regiment be accepted.

On Motion³ of M^r [Rufus] King,

Resolved, That the board of Treasury be and hereby are authorised to dispose of the public copper on hand, either by sale or contract for the coinage of the same, as they shall judge most for the Interest of the United States.

¹ This vote is noted in *Papers of the Continental Congress*, No. 59, III, p. 253, column II.

² *Papers of the Continental Congress*, No. 150, II, pp. 339, read and passed May 8, 1787. A copy of Daniel Bissell's resignation is on p. 335.

³ *Papers of the Continental Congress*, No. 26, p. 643, in the writing of Mr. Rufus King.

[Report of Board of Treasury on memorial of D. Franks ¹]

The Board of Treasury to whom was referred the Memorial of David S. Franks,

Beg leave to Report

That the Memorialist sets forth, that in consequence of his Absence from the United States on Public Business, he was not able to exhibit his Accounts before the first of August 1786, after which period the Commissioner of Army Accounts is precluded from adjusting any Military Claims against the United States.

The Board considering the particular circumstances of the Memorialist, submit the following Resolve,

That the Commissioner of Army Accounts be authorised to examine the Claims of David S. Franks against the United States, under the Act ² of Congress of the 22^d October 1782, and to issue his Certificate for any balance that may be found due to him.

All of which is humbly Submitted.

May 7th 1787.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

[Report of Secretary for Foreign Affairs on Moroccan Treaty ³]

OFFICE FOR FOREIGN AFFAIRS

5th May 1787

The Secretary of the United States for the Department of foreign Affairs to whom was referred the Treaty lately concluded with the Emperor of Morocco,

Reports

¹ *Papers of the Continental Congress*, No. 138, I, pp. 517-518, read May 8, 1787. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 363. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 149, the last paragraph of the report, copied *verbatim*, was referred to the Commissioner of Army Accounts to take order. See April 18, 1787.

² *Journals*, vol. XXIII, p. 680.

³ *Papers of the Continental Congress*, No. 81, III, pp. 109-111, read May 8, and agreed to July 18, 1787. See April 12, 1787.

That it will in his Opinion be proper for Congress to ratify the Treaty in the Manner and Form following, Viz.¹

* * * * *

All which is submitted to the Wisdom of Congress.

JOHN JAY.

[Letter of Secretary at War regarding inspection of stores ²]

WAR OFFICE 7th May 1787.

SIR: I humbly beg leave to inform Congress that having some business in Philadelphia, I shall embrace the occasion to inspect the Artillery and Military Stores at that place in obedience to the orders of Congress ascertaining the duties of the Secretary at War, provided that Congress should not have any special orders which would prevent the same at this time I expect to return to New York in the course of fourteen or fifteen days.

I have the honor to be, etc.

H KNOX ³

His Excellency

THE PRESIDENT OF CONGRESS

WEDNESDAY, MAY 9, 1787.

Congress Assembled present, Massachusetts, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, and Georgia, and from Rhode Island M^r [Peleg] Arnold and from South Carolina M^r [Daniel] Huger.

Congress proceeded in the second reading of the Ordinance for the government of the western territory and the follow-

¹ The text of the report, which does not include the treaty proper, is entered *verbatim* in the *Secret Journal* on July 18, 1787 and is here omitted.

² *Papers of the Continental Congress*, No. 150, II, p. 331, read May 8, 1787.

³ MAY 8, 1787. According to indorsement, was read the memorial of Thomas Pownall, lieutenant of Marines, dated May 8, 1787, respecting his pay. *Papers of the Continental Congress*, No. 41, VIII, p. 222. It is indorsed as referred on July 7, 1787, to the Commissioner of Marine Accounts to report and that it was acted on under Act of August 1, 1787.

According to the *Despatch Book*, *Papers of the Continental Congress*, No. 185, IV, p. 12, was received:

Petition of Enoch Hall for pay for services in Canada. Petition withdrawn May 11, 1787.

ing clause being under debate, viz "The representatives thus elected, shall serve for the term of two Years";

A motion was made by Mr [William] Grayson to amend the same, by striking out, "two", and insert "three".

On the question to agree to this amendment the Yeas and Nays ¹ being required by Mr [William] Grayson

<i>Massachusetts</i>			<i>Delaware</i>	
Mr Gorham	ay	} no	Mr Kearny	ay
Mr King	no		Mr Mitchell	ay
Mr Dane	no			
<i>Rhode-Island</i>			<i>Maryland</i>	
Mr Arnold	no	*	Mr Ross	ay
<i>New York</i>			Mr Ramsay	ay
Mr Smith	no	} div ^d	<i>Virginia</i>	
Mr Benson	ay		Mr Grayson	ay
<i>New-Jersey</i>			Mr Carrington	ay
Mr Clarke	ay	} div ^d	Mr Lee	ay
Mr Scheurman	no		<i>North Carolina</i>	
<i>Pennsylvania</i>			Mr Hawkins	ay
Mr S ^t Clair	ay		Mr Ashe	no
Mr Pettit	no	} ay	<i>South Carolina</i>	
Mr Meredith	ay		Mr Huger	ay
Mr Armstrong	ay			*

So the question was lost.

The Ordinance ² being amended *Ordered* that it be transcribed, and that Thursday next be assigned for the third reading.

¹ A record of this vote, in the writing of Roger Alden, is in *Papers of the Continental Congress*, No. 49, p. 341.

² *Papers of the Continental Congress*, No. 30, pp. 109-110. This broadside, imprint of September 1786, of the report of the committee of September 18, 1786, was what was under debate on this date. It has Mss. changes by Charles Thomson, which resulted from debates of September 21, 1786, April 26, 1787, and May 9, 1787. According to indorsement on the imprint of May 9, 1787, transcription was ordered and a new printing was made for the third reading, ordered for May 10, 1787. See July 9 and 13, 1787.

A Letter ¹ of this day from the Secretary for foreign Affairs, requesting leave of absence, was read.

Ordered, that leave be granted agreeably to his request.

[Memorial of Samuel H. Parsons for purchase of lands northwest of the Ohio ²]

To the United States in Congress Assembled

The Memorial of the Associators for the purchase of Lands North West of the River Ohio by their Agent Samuel Holden Parsons Sheweth that many of your Memorialists were Officers and Soldiers of the late federal Army, who by Resolves of Congress are intitled to a grant of Lands; and others are public Creditors who are desirous of a Satisfaction of their Debts in the federal Lands, and for that purpose have associated for purchasing and Settling a Tract of Country in the ungranted Lands of the United States under the Direction and Government of Congress.

They therefore pray that a Tract of Country within the Western Territory of the United States at some convenient Place may be granted them at a reasonable Price, upon their paying a Sum not exceeding One Million of Dollars nor less than five Hundred Thousand Dollars, and that Such of the Associators as by the Resolutions of Congress are intitled to receive Lands for their military Services may have their Lands assigned them within the aforesaid Grant and as in Duty bound your memorialists will pray, &c. Dated in New York the 8th of May 1787.

SAM¹ H. PARSONS

¹ *Papers of the Continental Congress*, No. 80, III, p. 245.

² *Papers of the Continental Congress*, No. 41, VIII, p. 226, read May 9, 1787. An accompanying set of proposals is on pp. 230–231. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 149, the memorial was referred to a committee, consisting of Mr. Edward Carrington, Mr. Rufus King, Mr. Nathan Dane, Mr. James Madison and Mr. Egbert Benson, which reported July 10, 1787. Acted on July 23, 1787.

[Letter of Secretary for Foreign Affairs on negotiations with Spain ¹]

OFFICE FOR FOREIGN AFFAIRS

9th May 1787

SIR: A Variety of obvious Circumstances and Considerations induce me to request the Favor of Congress to give me their express Instructions on the Points in Difference between the United States and the Crown of Spain.

With great Respect and Esteem
I have the honor to be etc.,

JOHN JAY.

His Excellency

THE PRESIDENT OF CONGRESS.

[Letter of Secretary for Foreign Affairs on Mediterranean passports ²]

OFFICE FOR FOREIGN AFFAIRS

9th May 1787

SIR: M^r Temple's Letter³ of 7th June 1786 complaining that british Mediterranean Passes had been counterfeited at Philadelphia having long since been referred to me to report, it is proper that I should inform Congress that I wrote him an Answer to it of which the enclosed Paper N^o 2 is a Copy, and that his Reply ⁴ N^o 3 closed our Correspondence.

As he constantly afterwards remained silent on the Subject, it appeared to me better to let the Matter rest in quiet than give either Congress or myself the Trouble of enquiring into the Truth of Charges,

¹ *Papers of the Continental Congress*, No. 25, II, p. 469, read May 9, 1787. See May 11 and July 4, 1787.

² *Papers of the Continental Congress*, No. 80, III, pp. 249-250, read May 9, 1787. A copy of Jay's letter to Temple, July 5, 1786, is on pp. 253-254.

³ *Papers of the Continental Congress*, No. 92, pp. 561-562.

⁴ July 5, 1786, *Papers of the Continental Congress*, No. 92, pp. 564-566.

which ought not to have been made unless accompanied by probable Evidence of their being well founded.

With great Respect and Esteem
I have the Honor to be etc.,

JOHN JAY¹

His Excellency
THE PRESIDENT OF CONGRESS

THURSDAY, MAY 10, 1787

Congress Assembled present before.

A motion² was made by [Mr. William] Pierce, seconded by M^r [William] Few for repealing the order³ passed Sep^r 1st 1786, and on the Question to agree to the motion, the Yeas and Nays⁴ being required by M^r [William] Pierce,

¹ MAY 9, 1787. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 149, there was referred to the Board of Treasury to report a letter of Thomas Hutchins to the President of Congress, dated and read May 9, 1787, respecting a sum of money advanced to the surveyors. *Papers of the Continental Congress*, No. 60, pp. 305-306. The accompanying accounts are on pp. 309-321.

² *Papers of the Continental Congress*, No. 36, III, p. 289, in the writing of Mr. William Pierce.

³ *Journals*, vol. XXXI, p. 621.

⁴ There is a record of the yeas and nays taken on this day, in the writing of Roger Alden, in *Papers of the Continental Congress*, No. 49, pp. 337 and 339.

<i>Massachusetts</i>			<i>Maryland</i>	
M ^r King	no	} no	M ^r Ross	ay
M ^r Dana	no		M ^r Ramsay	ay
<i>Rhode-Island</i>			<i>Virginia</i>	
M ^r Arnold	no	} *	M ^r Grayson	ay
<i>New York</i>				M ^r Carrington
M ^r Smith	no	} *	M ^r Lee	ay
<i>New Jersey</i>				<i>North Carolina</i>
M ^r Clark	ay	} ay	M ^r Hawkins	ay
M ^r Scheurman	ay		M ^r Ashe	ay
<i>Pennsylvania</i>			<i>South Carolina</i>	
M ^r S ^t Clair	ay	} ay	M ^r Huger	ay
M ^r Pettit	ay		<i>Georgia</i>	
M ^r Meredith	ay		M ^r Few	ay
M ^r Armstrong	ay		M ^r Pierce	ay
<i>Delaware</i>				
Mitchell	ay	} ay		
M ^r Kearny	ay			

So it was

Resolved, That the order passed on the first day Sep^r 1786 in the words following, viz. “that when a Question is set aside by the previous question, it shall not be in order afterwards, formally or substantially to move the same, unless there shall be the same, or as many States represented in Congress”, be, and the same is hereby repealed.

¹ A motion ² was made by M^r [Dyre] Kearny seconded by M^r [Samuel] Meredith, in the words following viz.

Resolved, That on the 16th of the present month Congress will adjourn to meet on the second Monday in June next at the city of Philadelphia in the state of Pennsylvania for the dispatch of public business And the President of Congress is hereby authorised and directed on the said 16th day of May to adjourn Congress accordingly.

¹ From this point there is a skeleton draft of the proceedings of this day. in the writing of Roger Alden, in *Papers of the Continental Congress*, No. 49, pp. 333-335.

² *Papers of the Continental Congress*, No. 36, III, p. 361, in the writing of Mr. Dyre Kearny, before changes were made.

This being objected to as not in order and the President calling for the Judgment of the House, the Question was stated by M^r [Rufus] King¹ in the words following, viz.

Is the motion of M^r Kearny in order? the same being in direct opposition to a clause of an Ordinance² of Congress of the 23^d day of Dec^r 1784, in the words following, viz. That on the 24th day of December instant Congress stand adjourned to meet at the city of New York, on the 11th day of Jan^y following, for the dispatch of public business, and that the Sessions of Congress be held at the place last mentioned until the buildings aforesaid shall be ready for their reception.

On the Question the Yeas and Nays being required by M^r [Rufus] King,

<i>Massachusetts</i>			<i>Maryland</i>	
M ^r Gorham	no	}	M ^r Ross	ay
M ^r King	no		M ^r Ramsay	ay
M ^r Dane	no			
<i>New York</i>			<i>Virginia</i>	
M ^r Smith	no	}	M ^r Grayson	ay
M ^r Benson	no		M ^r Carrington	ay
			M ^r Lee	ay
<i>New Jersey</i>			<i>North Carolina</i>	
M ^r Clarke	ay	}	M ^r Blount	ay
M ^r Scheurman	no		M ^r Ashe	ay
<i>Pennsylvania</i>			<i>South Carolina</i>	
M ^r S ^t Clair	ay	}	M ^r Huger	ay *
M ^r Pettit	ay			
M ^r Meredith	ay		<i>Georgia</i>	
M ^r Armstrong	ay		M ^r Few	ay
<i>Delaware</i>			M ^r Pierce	ay
M ^r Mitchell	ay	}		
M ^r Kearny	ay			

So the motion was set aside as being out of order.

¹ *Papers of the Continental Congress*, No. 36, III, p. 355, in the writing of Mr. Rufus King in outline form.

² *Journals*, vol. XXVII, p. 704.

[Ordinance for the government of the Western Territory ¹]

An Ordinance for the [temporary] government of the ~~Western~~ Territory [of the U S N W of the River Ohio, ~~until the same shall be divided into different States~~]

It is hereby ordained by the United States in Congress assembled, that there shall be appointed from time to time, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress.

There shall be appointed by Congress, from time to time, a secretary, whose commission shall continue in force for four years, unless sooner revoked by Congress. It shall be his duty to keep and preserve the acts and laws passed by the general assembly, and public records ~~of the district,~~ and ~~of the proceedings of the governor in his executive department,~~ and transmit authentic copies of such acts and proceedings every six months, to the secretary of Congress.

There shall also be appointed a court, to consist of three judges, any two of whom shall form a court, who shall have a common law jurisdiction, whose commissions shall continue in force during good behaviour.

And to secure the rights of personal liberty and property to the inhabitants and others, purchasers in the said ~~district~~ [territory], it is hereby ordained, that the inhabitants ~~of such districts~~ [thereof] shall always be entitled to the benefits of the act of *habeas corpus*, and of the trial by jury.

The governor and judges, or a majority of them shall adopt and publish in the ~~districts~~ [territory afores^d], such laws of the original states, criminal and civil, as may be necessary, and best suited to the circumstances of the ~~district~~ [inhabitants], and report them to Congress from time to time, which [laws] shall ~~prevail~~ [be in force] in said ~~district~~ [territory], until the organization of the general assembly, unless disapproved of by Congress; but afterwards the general assembly shall have authority to alter them as they shall think fit; provided, however, that said assembly shall have no power to create perpetuities.

¹ *Papers of the Continental Congress*, No. 30, pp. 95-96. This was the print ordered on May 9, 1787. Reading the text with the lined type and omitting the bracketed portions gives the form in which the Ordinance stood after the debate of May 9. Reading the text with the bracketed portions and omitting the lined type gives the form, resulting from the debate of May 10 and July 9, in which it was recommitted on July 9, 1787. See April 26 and July 13, 1787.

The governor for the time being shall be commander in chief of the militia, and appoint and commission all officers in the same, below the rank of general officers; all officers of that rank shall be appointed and commissioned by Congress.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers in each county or township, as he shall find necessary for the preservation of peace and good order in the same. After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall during the continuance of this temporary government, be appointed by the governor.

The governor shall, as soon as may be, proceed to lay out the ~~district~~ [said territory], into counties and townships, subject however to such alterations, as may thereafter be made by the legislature, so soon as there shall be 5000 free male inhabitants, of full age, within the said ~~district~~ [territory], upon giving due proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships as aforesaid, to represent them in general assembly; provided that for every 500 free male inhabitants there shall be one representative, and so on progressively with the number of free male inhabitants, shall the right of representation increase, until the number of representatives amount to 25, after which the number and proportion of representatives shall be regulated by the legislature; provided that no person shall be eligible or qualified to act as a representative unless he shall be a citizen of one of the United States, or have resided within such ~~district~~ [territory] three years, and shall likewise hold in his own right, in fee simple, 200 acres of land within the same; provided also, that a freehold, or life estate in fifty acres of land in the said district, if a citizen of any of the United States, and two years residence if a foreigner, in addition, shall be necessary to qualify a man as elector for the said representative.

The representatives thus elected, shall serve for the term of two years, and in case of the death of a representative or removal from office, the governor shall issue a writ to the county or township for which he was a member to elect another in his stead, to serve for the residue of the time.

The general assembly shall consist of the governor, a legislative council, to consist of five members, to be appointed by the United

States in Congress assembled, to continue in office during pleasure, any three of whom to be a quorum, and a house of representatives, who shall have a legislative authority complete in all cases for the good government of said ~~district~~ [territory]; provided that no act of the said general assembly shall be construed to affect any lands the property of the United States, and provided further, that the lands of the non-resident proprietors shall in no instance be taxed higher than the lands of residents.

All bills shall originate indifferently either in the council or house of representatives, and having been passed by a majority in both houses, shall be referred to the governor for his assent, after obtaining which, they shall be complete and valid; but no bill or legislative act whatever, shall be valid or of any force without his assent.

The governor shall have power to convene, prorogue and dissolve the general assembly when in his opinion it shall be expedient.

The said inhabitants or settlers shall be subject to pay a part of the federal debts, contracted, or to be contracted, and to bear a proportional part of the burthens of the government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other states.

The governor, judges, legislative council, secretary and such other officers as Congress shall at any time think proper to appoint in such ~~district~~ [territory], shall take an oath or affirmation of fidelity [and of office]; the governor before the president of Congress, and all other officers before the governor; [~~according to the form~~] prescribed on the 27th day of January, 1785, to the secretary at War, *mutatis mutandis*.

~~Whensoever any of the said states shall have of free inhabitants as many as are equal in number to the one thirteenth part of the citizens of the original states; to be computed from the last enumeration, such state shall be admitted by its delegates into the Congress of the United States, on an equal footing with the said original states; provided the consent of so many states in Congress is first obtained, as may at that time be competent to such admission.~~

Resolved, That the resolutions of the 23d of April, 1784, be, and the same are hereby annulled and repealed.

The order of the day was called by the State of Massachusetts, for the third reading of the Ordinance for a temporary government of the western territory,¹ and being postponed.

¹ See May 9, 1787, for second reading. See July 9, 1787.

A motion ¹ was made by Mr [Dyre] Kearny seconded by Mr [William] Blount in the words following, viz.

Resolved, that on the 16th of the present month, May, Congress will adjourn to meet on the second Monday in June next at the city of Philadelphia in the state of Pennsylvania for the dispatch of public business. And the President of Congress is hereby authorised and directed on the said 16th day of May to adjourn Congress accordingly, anything in the Ordinance of the 23^d of Dec^r 1784 contained, to the contrary notwithstanding.

A motion ² was then made by Mr [Henry] Lee, seconded by Mr [Daniel] Huger to postpone the motion before the house to take up the following, viz.

“Whereas the convenient and due administration of the government of the United States requires that a permanent situation most central to all parts of the Union be established for holding the sessions of Congress,

Resolved, That the board of Treasury take measures for erecting the necessary public buildings for the accommodation of Congress at Georgetown on the Potowmac river so soon as the soil and jurisdiction of the said town are obtained, and that on the completion of the said buildings that Congress adjourn their sessions to the said federal town.

Resolved, That the States of Maryland and Virginia be allowed a credit in the requisition of 1787 and in the arrearages due on past requisitions for such sums of money which they may respectively furnish towards the erection of the said buildings.”

¹ *Papers of the Continental Congress*, No. 36, III, p. 361, in the writing of Mr. Dyre Kearny. This is the same motion as that previously offered, but with the addition of the final clause with a different quill.

² *Papers of the Continental Congress*, No. 36, III, pp. 357-358, in the writing of Mr. Henry Lee. The original motion states the second was by Mr. Carrington and in Alden's draft of the proceedings, Carrington's name was first written and then crossed off.

On the question to postpone for the purpose abovementioned, the Yeas and Nays being required by M^r [Henry] Lee,

<i>Massachusetts</i>			<i>Maryland</i>	
M ^r Gorham	ay	}	M ^r Ross	no
M ^r King	ay		M ^r Ramsay	no
M ^r Dane	ay			
<i>Rhode Island</i>			<i>Virginia</i>	
M ^r Arnold	ay	}	M ^r Grayson	ay
			M ^r Carrington	ay
	*		M ^r Lee	ay
<i>New York</i>			<i>North Carolina</i>	
M ^r Smith	ay	}	M ^r Blount	no
M ^r Benson	ay		M ^r Ashe	no
<i>New Jersey</i>			<i>South Carolina</i>	
M ^r Clarke	no	}	M ^r Huger	ay
M ^r Scheurman	no			*
<i>Pensylvania</i>			<i>Georgia</i>	
M ^r S ^t Clair	no	}	M ^r Few	ay
M ^r Pettit	no		M ^r Pierce	ay
M ^r Meredith	no			
M ^r Armstrong	no			
<i>Delaware</i>				
M ^r Mitchel	no	}		
M ^r Kearny	no			

So the Question was lost.

A motion ¹ was then made by M^r [Henry] Lee seconded by M^r [Edward] Carrington to amend the motion before the house by adding the following words,

That the board of treasury take order for the payment of all just expences which the Officers of the United States, may be involved in by the adjournment of Congress before the expiration of the Year.

And on the question for Amendment the Yeas and Nays being required by M^r [Henry] Lee

¹ *Papers of the Continental Congress*, No. 36, III, p. 359, in the writing of Mr. Henry Lee. The original motion and Alden's draft of the proceedings state that Mr. Huger seconded the motion.

<i>Massachusetts</i>			<i>Maryland</i>	
M ^r Gorham	ay	}	M ^r Ross	no
M ^r King	ay		M ^r Ramsay	no
M ^r Dane	ay			
<i>Rhode Island</i>			<i>Virginia</i>	
M ^r Arnold	ay	*	M ^r Grayson	ay
			M ^r Carrington	ay
			M ^r Lee	ay
<i>New York</i>			<i>North Carolina</i>	
M ^r Smith	ay	}	M ^r Blount	no
M ^r Benson	ay			M ^r Ashe
<i>New Jersey</i>			<i>South Carolina</i>	
M ^r Clarke	no	}	M ^r Huger	no
M ^r Scheurman	no			
<i>Pensylvania</i>			<i>Georgia</i>	
M ^r S ^t Clair	no	}	M ^r Few	no
M ^r Pettit	no		M ^r Pierce	no
M ^r Meredith	no			
M ^r Armstrong	no			
<i>Delaware</i>				
M ^r Mitchell	no	}		
M ^r Kearny	no			

So the Question was lost.

A motion¹ was then made by M^r [Edward] Carrington seconded by M^r [Nathan] Dane to amend the motion before the house, by striking out "the 16th of the present month", and "second Monday in June next", and insert "the 10th of Oct. next" and "the 30th of the same."

¹ There is indication of this motion on the original motion in *Papers of the Continental Congress*, No. 36, III, p. 361.

On the question to agree to the Amendment, the Yeas and Nays being required by M^r [Edward] Carrington

<i>Massachusetts</i>			<i>Maryland</i>	
M ^r Gorham	no	}	M ^r Ross	ay
M ^r King	no		M ^r Ramsay	ay
M ^r Dane	ay			
<i>Rhode Island</i>			<i>Virginia</i>	
M ^r Arnold	ay *		M ^r Grayson	ay
<i>New York</i>			M ^r Carrington	ay
M ^r Smith	ay	}	M ^r Lee	ay
M ^r Benson	no			
<i>New Jersey</i>			<i>North Carolina</i>	
M ^r Clarke	no	}	M ^r Blount	no
M ^r Scheurman	ay			M ^r Ashe
<i>Pensylvania</i>			<i>South Carolina</i>	
M ^r S ^t Clair	no	}	M ^r Huger	ay
M ^r Pettit	ay			
M ^r Meredith	no			
M ^r Armstrong	no			
<i>Delaware</i>			<i>Georgia</i>	
M ^r Mitchell	ay	}	M ^r Few	ay
M ^r Kearny	no			M ^r Pierce

So the Question was lost.

A motion was then made by M^r [Nathan] Dane to amend the motion by striking out "on the second Monday in June next", and the question being lost the words were struck out.¹

¹ MAY 10, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, pp. 149-150, the following were referred:

Letter of Nathaniel Cutting to President of Congress, dated and read May 10, 1787, requesting appointment as consul at Havre de Grace. *Papers of the Continental Congress*, No. 78, VI, pp. 327-328. Referred to the Secretary for Foreign Affairs to report.

The report of the Secretary of Congress on an inscription to General Montgomery was referred to the Secretary to take order to transmit to the Governor of New York. This inscription is entered in the *Committee Book* by Roger Alden and another copy by Thomson is wafered in. See April 26 and May 7, 1787.

FRIDAY, MAY 11, 1787.

Congress Assembled, present, Massachusetts New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina and Georgia and from Rhode Island M^r [Peleg] Arnold, and from South Carolina M^r [Daniel] Huger.

On Motion¹ of M^r [Rufus] King,

Resolved, That the Board of Treasury take order for the payment of five hundred dollars to John Warren, Guardian of the eldest son of the late General Warren for his education for the term of one Year commencing on the 4th day of July last.

Resolved, That the board of Treasury take order for the payment of four hundred dollars to the Guardian of Hugh Mercer, son of the late General Mercer, for his education for one Year commencing on the 27th day of April last.

²A motion³ being made by M^r [William] Few seconded by M^r [William] Pierce in the following words, Viz

That the proceedings of Congress of the 29th day of August⁴ last do not authorize the Secretary of the

¹ *Papers of the Continental Congress*, No. 19, VI, p. 159, in the writing of Mr. Rufus King.

² From this point to the end of the day the proceedings are entered by John Fisher and attested by Charles Thomson in the *Secret Journal Foreign, Papers of the Continental Congress*, No. 6, vol. III, pp. 375-376. These proceedings are also entered by Benjamin Bankson in *Secret Journal, Foreign Affairs, Papers of the Continental Congress*, No. 5, vol. III, pp. 1610-1612, where the yeas and nays are recorded by members.

³ *Papers of the Continental Congress*, No. 36, III, p. 363, in the writing of Mr. William Few.

On p. 369 of this same volume there is a motion of Mr. William Pierce, which may have been considered on this or some preceding day. It is as follows: That The Secretary of foreign affairs be directed to ~~negociate~~ proceed in his negotiations with the Encargado de Negocios of his Catholic Majesty, ~~conformably to his instructions given him for that purpose on the 25th August 1785.~~

⁴ *Journals*, vol. XXXI, pp. 574-596.

United States for the department of foreign affairs to enter into any Stipulation with the Minister of his Catholic Majesty whereby the right of the United States to the free Navigation of the Mississippi should be relinquished or impaired nor to give up any right of territory comprehended in the treaty of peace with Great Britain.

A motion¹ was made by M^r [Rufus] King seconded by M^r [Nathaniel] Gorham to amend the motion by striking out “of the 29th day of August last” and from “whereby” to the end, so as to read as follows,

That the proceedings of Congress do not authorize the Secretary of the United States for the department of foreign Affairs to enter into any Stipulation with the Minister of his Catholic Majesty.

And on the question shall these words stand? the yeas and nays being required by M^r [Rufus] King

<i>Massachusetts</i>	no	}	<i>Virginia</i>	ay
<i>New York</i>	no		<i>North Carolina</i>	ay
<i>New Jersey</i>	ay		<i>South Carolina</i>	} ay*
<i>Pennsylvania</i>	ay		M ^r Huger	
<i>Delaware</i>	ay		<i>Georgia</i>	ay
<i>Maryland</i>	no			

So the Question was lost and the words struck out.

A motion² was then made by M^r [William] Grayson seconded by M^r [William] Few to amend the motion before the House by adding “on terms different from those contained in the resolutions³ of the 25th of August 1785”.

¹ The wording of the original motion of Mr. Few is crossed off and amended to bring it in conformity with this motion.

² *Papers of the Continental Congress*, No. 36, III, p. 365, in the writing of Mr. William Grayson.

³ *Journals*, vol. XXIX, p. 658.

On the question for amendment the yeas and Nays being required by M^r [William] Grayson

<i>Massachusetts</i>	no	<i>Maryland</i>	no
<i>Rhode island</i>	ay*	<i>Virginia</i>	ay
<i>New York</i>	no	<i>North Carolina</i>	ay
<i>New Jersey</i>	ay	<i>South Carolina</i>	no*
<i>Pennsylvania</i>	ay	<i>Georgia</i>	ay
<i>Delaware</i>	ay		

So the question was lost.

CHA^s THOMSON *Sec^y*

[Report of committee on letter of S. Fraunces ¹]

The Committee [consisting of Mr. Melancton Smith, Mr. Nathaniel Gorham and Mr. Nathan Dane] to whom was referred a Letter from Samuel Fraunces to his Excellency the President

Report,

That appears to your Committee in consequence of a Memorial of the s^d Fraunces stating that Congress on the 4th April 1784, *Resolved* "that in consideration of the singular services of the said Samuel Fraunces and of his advances to the American Prisoners the sum of two thousand dollars be paid to the said Samuel Fraunces on account of the Loan office Certificates in his hands, and that they be delivered up and cancelled."

That in pursuance [consequence] of this Resolution ~~the Board of Treasury caused~~ the Loan Office Certificates of the said Samuel Fraunces amounting to Two thousand Dollars were presented to the proper Officers of the Treasury to be cancelled, that upon being liquidated their specie value appeared to be 1293 63/90 Dollars, for which Sum a warrant issued in his favor on the Treasurer of the U.S.

That on a subsequent application of the said S. Fraunces, Congress on the 15th Sep^r 1785, ordered that the full Sum of Two thousand Dollars should be paid to the said Samuel Fraunces, in consequence whereof he was paid [received] the farther Sum of 706 27/90 Doll^s

It farther appears to your Committee that the said Samuel Fraunces claims Interest

¹ *Papers of the Continental Congress*, No. 19, II, pp. 329-330, in the writing of Mr. Melancton Smith. Read May 11, 1787, and acted on August 21, 1788. See May 3, 1787.

Your Committee farther reports that the said Samuel Fraunces alleges that he did advance during the War to the American Prisoners two thousand Dollars in specie, for the Loan Office Certificates aforesaid influenced by no other motives than an attachment to the cause of America, and from some testimonials produced by him, your Committee are induced to believe this was the fact.

Your Committee have examined a number of Letters and papers submitted to them by the said S. Fraunces, by which, as well as from his general Character, it appears that the said Fraunces was firmly attached to the Interest of his Country, rendered very essential services to the Prisoners, and furnished useful and important intelligence, by means of which he expended very considerable part of his property.

Your Committee therefore in Consideration of the services rendered and losses sustained by the Said Samuel Fraunces ~~and in consideration~~ report

~~That the Board of Treasury take order for paying to Samuel Fraunces the Sum of five hundred Dollars.~~

[Report of Secretary for Foreign Affairs on consular convention ¹]

[Letter of Board of Treasury on memorial of A. H. Dohrman ²]

BOARD OF TREASURY

May 10th 1787.

SIR: We do ourselves the Honor of transmitting to your Excellency for the consideration of Congress a Report of this Board on their

¹ *Papers of the Continental Congress*, No. 81, III, pp. 113-118, dated May 10, 1787 and read May 11. This report of Jay was on the part of Mr. Jefferson's letter which related to the consular convention with France. It was passed July 27, 1787, where it is entered *verbatim*, except for changes necessary to make the report a *Journal* entry, in the *Secret Journal Foreign, Papers of the Continental Congress*, No. 6, III. See April 18 and 20, 1787.

² *Papers of the Continental Congress*, No. 140, I, p. 367, read May 11, 1787. The enclosed report was entered in *Reports of the Board of Treasury A*, pp. 383-385; Library of Congress photostat copy. With some changes it was entered in the *Journal* on October 1, 1787. See March 19 and April 19, 1787.

Report of the 19th March last on the Memorial of Arnold Henry Dohrman and are

With the greatest respect, etc.,

SAMUEL OSGOOD
WALTER LIVINGSTON¹

His Excellency
THE PRESIDENT OF CONGRESS.

SATURDAY, MAY 12, 1787.

Six States Attended, namely Massachusetts Pennsylvania, Delaware, Maryland, Virginia ~~North Carolina~~ and Georgia and from Rhode Island M^r [Peleg] Arnold ~~and~~ from New York M^r [Egbert] Benson and from North Carolina M^r [Benjamin] Hawkins.

MONDAY, MAY 14, 1787.

Six States Assembled, namely Massachusetts, New York Pennsylvania, Delaware, Virginia and North Carolina, and from Rhode Island M^r [Peleg] Arnold, from Maryland M^r [David] Ross from South Carolina M^r [Daniel] Huger and from Georgia M^r [William] Pierce.

TUESDAY, MAY 15, 1787.

Five States Assembled, namely, Massachusetts, New York Pennsylvania, Virginia and North Carolina, and from Rhode Island M^r [Peleg] Arnold, from Delaware M^r [Dyre] Kearny from Maryland M^r [David] Ross, and from South Carolina M^r [Daniel] Huger.

¹ MAY 11, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 150, the following committee was appointed:

Mr. Dyre Kearny, Mr. William Few, Mr. Benjamin Hawkins, Mr. William Grayson and Mr. Charles Pettit on the letter of May 9, 1787, of the Secretary for Foreign Affairs respecting instructions regarding negotiations with Spain. See May 9, 1787.

WEDNESDAY, MAY 16, 1787.

Five States Assembled, namely, Massachusetts, New York, Pennsylvania, Virginia and North Carolina and from Georgia M^r [William] Pierce.

THURSDAY, MAY 17, 1787.

The same as before.

FRIDAY, MAY 18, 1787.

Four States Assembled, namely Massachusetts New York, Pennsylvania and North Carolina and from Virginia M^r [Henry] Lee and from Georgia M^r [William] Pierce.

MONDAY, MAY 21, 1787.

The same as before.

TUESDAY, MAY 22, 1787.

Five States Assembled, namely, Massachusetts New York, Pennsylvania, Virginia, and North Carolina and from Georgia M^r [William] Pierce.

WEDNESDAY, MAY 23, 1787.

Five States Assembled, namely Massachusetts New York, Pennsylvania, Virginia and North Carolina and from Rhode Island M^r [James Mitchel] Varnum from New Jersey M^r [Abraham] Clarke and from Georgia M^r [William] Pierce.

THURSDAY, MAY 24, 1787.

Five States Assembled, and the same as before.

FRIDAY, MAY 25, 1787.

Four States Assembled, namely New York Pennsylvania, Virginia and North Carolina and from Massachusetts M^r [Nathan] Dane, from Rhode Island M^r [James Mitchel] Varnum, and from New Jersey M^r [Abraham] Clarke.

SATURDAY, MAY 26, 1787.

Four States Assembled as before, and from Massachusetts M^r [Nathan] Dane.

MONDAY, MAY 28, 1787.

Four States Assembled, namely New York Pennsylvania, Virginia and North Carolina, and from Massachusetts M^r [Nathan] Dane.

TUESDAY, MAY 29, 1787.

The same as before and from South Carolina M^r [John] Kean.¹

WEDNESDAY, MAY 30, 1787.

Four States Assembled, namely New York, Pennsylvania, Virginia and North Carolina and from Massachusetts M^r [Nathan] Dane.

THURSDAY, MAY 31, 1787.

The same as before.

FRIDAY, JUNE 1, 1787.

Three States Assembled, namely, New York, Virginia and North Carolina and from Massachusetts M^r [Nathan] Dane, from Pennsylvania M^r [John] Armstrong, and from South Carolina M^r [Daniel] Huger.

¹ First day of attendance. See July 4, 1787, for his credentials.

SATURDAY, JUNE 2, 1787.

The same as before.

MONDAY, JUNE 4, 1787.

Three States Assembled, namely New York, Virginia and North Carolina and from Massachusetts M^r [Nathan] Dane and from Pennsylvania M^r [John] Armstrong.

TUESDAY, JUNE 5, 1787.

Four States Assembled, namely New York New Jersey, Virginia and North Carolina and from Massachusetts M^r [Nathan] Dane.

WEDNESDAY, JUNE 6, 1787.

The same as before.

THURSDAY AND FRIDAY, JUNE 7 AND 8, 1787.

The same as before.

SATURDAY, JUNE 9, 1787.

Four States Assembled, namely New York, New Jersey, Virginia and North Carolina, and from Massachusetts M^r [Nathan] Dane.

MONDAY, JUNE 11, 1787.

Three States Assembled, namely, New York, Virginia and North Carolina and from Massachusetts M^r [Nathan] Dane from New Jersey M^r [Abraham] Clarke and from South Carolina M^r [John] Kean.

TUESDAY, JUNE 12, 1787.

The same as before.

WEDNESDAY, JUNE 13, 1787.

The same as before.

THURSDAY, JUNE 14, 1787.

Three States Assembled, namely New York Virginia and North Carolina, and from Massachusetts M^r [Nathan] Dane.

FRIDAY AND SATURDAY, JUNE 15 AND 16, 1787.

The same as before.

MONDAY, JUNE 18, 1787.

Three States Assembled, namely, New York Virginia and North Carolina, and from Massachusetts M^r [Nathan] Dane and from New Jersey M^r [Abraham] Clarke.

TUESDAY, JUNE 19, 1787.

Two States Assembled namely New York and Virginia, and from Massachusetts M^r [Nathan] Dane and from New Jersey M^r [Abraham] Clarke.

WEDNESDAY, JUNE 20, 1787.

Two States Assembled, namely New York and Virginia, and from Massachusetts M^r [Nathan] Dane, from New Jersey M^r [Abraham] Clarke, from Pennsylvania M^r [John] Armstrong and from South Carolina M^r [John] Kean.

THURSDAY, JUNE 21, 1787.

Four States Assembled, namely Massachusetts New York, New Jersey and Virginia and from South Carolina M^r [John] Kean.

¹ M^r [Samuel] Holten ² a delegate for Massachusetts attended.

¹ This sentence is in the writing of Charles Thomson.

² For Mr. Holten's credentials, see July 4, 1787.

FRIDAY, JUNE 22, 1787.

The same as before.

SATURDAY, JUNE 23, 1787.

Three States Assembled, namely Massachusetts New York and Virginia and from South Carolina M^r [John] Kean.

¹ FRIDAY, JUNE 29, 1787.

The same as above attended this week and from Pensylv^a M^r [John] Armstrong.

MONDAY, JULY 2, 1787.

Four States attended namely Massachusett New York Virginia and South Carolina.

TUESDAY, JULY 3, 1787.

Four States attended as yesterday and from the state of New Jersey M^r [Abraham] Clark and from Pennsylvania M^r [John] Armstrong.

WEDNESDAY, JULY 4, 1787.

Congress assembled, present Massachusetts New York New Jersey Virginia, North Carolina, South Carolina and Georgia.

The president being absent Congress proceeded to the election of a chairman and the ballots being taken

The hon^{b^{le}} M^r [William] Grayson was elected.

¹ At this point Charles Thomson resumes the entry.

[Credentials of John Kean, South Carolina ¹]

State of South Carolina

By his Excellency Thomas Pinckney Esquire Governor and Commander in chief in and over the State aforesaid

To the Honorable John Kean Esquire Greeting

Know ye that by Virtue of the Power and Authority in me vested by the Legislature of this State I have commissioned and by these presents do commission you the said John Kean to be a Delegate to represent this State in the Congress of the United States of America. This Commission to continue and be in force until the first Monday in November next and no longer.

Given under my hand and the Great Seal of the State in the City of Charleston this sixth day of March in the Year of our Lord one thousand Seven hundred and eighty Seven and of the Sovereignty and Independence of the United States of America the Eleventh.

By his Excellency's Command
PETER FRENEAU

Secretary

THOMAS PINCKNEY

[SEAL PENDENT]

[Credentials of Samuel Holten, Massachusetts ²]

Commonwealth of Massachusetts

(Seal) To our trusty and well beloved Samuel Holten Esq^r of
Danvers in our County of Essex, Greeting

Whereas the General Court of our Commonwealth aforesaid did on the twenty seventh day of June A^o Dⁱ 1786 agreeable to the Constitution of our said Commonwealth appoint The Honble Samuel Holten Esq^r a Delegate to represent our said Commonwealth in the Congress of the United States for one year commencing the first Monday in November 1786.

¹ Original credentials on parchment, *Papers of the Continental Congress*, South Carolina Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, p. 216. Delivered to Secretary of Congress, May 28, 1787. These credentials and those of Samuel Holten printed under this date were delivered to the Secretary of Congress in the absence of a quorum and were probably read on this date.

² Original credentials, *Papers of the Continental Congress*, Massachusetts Credentials. Copied in *Record of Credentials, Papers of the Continental Congress*, No. 179, I, pp. 217-218. Delivered to Secretary of Congress, June 21, 1787.

Now therefore Know ye, that We do by these presents, and in pursuance of the said Appointment Commission you the said Samuel Holten Esq^r to represent our said Commonwealth in Congress, and vest you with all and singular the powers and authorities to the said Office or place of Delegate belonging by virtue of the Constitution of said Commonwealth and the Appointment aforesaid, and to hold said Office until the first Monday of November A^o Dⁱ 1787. And you the said Samuel Holten are hereby required to observe the instructions which from time to time shall be given to you by the General Court of our said Commonwealth.

In Testimony whereof We have caused our Public Seal to be hereto affixed,

Witness James Bowdoin Esq^r our Governor and Commander in Chief at Boston the Seventh day of October A^o Dⁱ 1786, And in the Eleventh Year of the Independence of the United States of America.

By His Excellency's Command.

JAMES BOWDOIN

JOHN AVERY jun^r *Secretary*

[Report of committee on instructions respecting the Spanish negotiations ¹]

The Committee [consisting of Mr. Dyre Kearny, Mr. William Few, Mr. Benjamin Hawkins, Mr. William Grayson and Mr. Charles Pettit] to whom the letter from M^r Jay of the 9th of May was referred for the "Express instructions of Congress on the points in difference between the United States and the Crown of Spain" Report

That any material departure from the Original intention of Congress as expressed in their resolution ² of the 25th of August 1785, would be obviously disagreeable to a large majority of the Citizens of the United States.

That Congress being desirous of conciliating between his Catholic Majesty and these United States the most happy and lasting friendship should so conduct themselves as to merit and preserve the confidence of their constituents: As well as to convince his Catholic Majesty by a fixed and stable plan of policy of their determination to preserve inviolate the rights of their citizens, and in no case whatever to enter into engagements which would be violated.

¹ *Papers of the Continental Congress*, No. 25, II, p. 467, in the writing of Mr. Benjamin Hawkins. Read July 4, 1787. It was delivered to the Secretary of Congress on June 13. See May 9 and 11, 1787.

² *Journals*, vol. XXIX, p. 658.

That the Secretary for the department of Foreign affairs be directed in a decent but firm decided and candid manner to State to Don Diego de Gardoqui the embarassments Congress are involved in, their desire of conciliating with his Sovereign a lasting friendship, And indispensable obligation to preserve the right of the United States to their territorial bounds and the free Navigation of the Mississippi from its source to the Ocean as established in their treaties with Great Britain.

[Report of Board of Treasury on memorial of J. Wait ¹]

The Board of Treasury to whom was referred the Memorial of John Wait,

Beg leave to Report,

That the Memorialist sets forth, that in the Years 1782 and 1783, he transacted business with the Army of the United States, and supplied them with Clothing and other necessaries in payment of which he received orders on the respective Pay masters for the Arrears of Pay due to the Persons to whom such Supplies were furnished.

That on this Negotiation a generous Allowance was made to the Soldiery, and the same was sanctioned by the approbation of the Commanding Officers of the respective Regiments.

That several Soldiers after disposing of their Pay in the manner above mentioned Deserted at the close of the Year 1783; and that the Pay Master General has in consequence thereof made stoppages of the whole Arrears of Pay due to them, by which the Memorialist alleges he has sustained a loss of Eleven hundred and eighteen Dollars.

On the above Memorial the Board beg leave to observe,

That all Persons in the Land or Sea Service of the United States, forfeit on Desertion, all the Pay and other emoluments at that time due to them.

That the apprehension of this Penalty operates in a powerful manner to prevent Desertion; that it of course ceases on the Assignment of their pay; and that it would be therefore improper, in the opinion of this Board, to give any public sanction to a measure which has an evident tendency to encourage Desertion.

¹ *Papers of the Continental Congress*, No. 138, II, pp. 479-481, read July 4, 1787. See April 26 and May 2, 1787.

That, although the Memorialist states, that this Negotiation was sanctioned by the authority of the Commanding Officers of Corps; yet such sanction does not appear sufficient to induce a deviation from the general rule which has invariably been persued with respect to Deserters.

The Board beg leave further to observe, that as the Penalty annexed to Desertion, must have been generally known by all Persons transacting business with the Army it is to be presumed that this risque, amongst others, must have entered into their calculations in the purchase of Pay; and although from the price given by the Memorialist for such Arrears, and the subsequent Depreciation of the Notes issued to the Soldiery, the issue of his Negotiations may not have proved fortunate, yet the same cannot be considered in any other point of view, than that of a private Speculation; for the issue of which the United States, ought in no respect whatsoever to be considered as responsible.

For the above reasons, and because a compliance with the prayer of the Memorialist, might establish a precedent for numerous applications grounded on similar principles; the Board recommend to the consideration of Congress the following Resolve.

That the Application of John Wait for certain Arrears of Pay by him purchased of sundry Soldiers of the late Army, previous to their Desertion, cannot be complied with.

All which is humbly Submitted.

SAMUEL OSGOOD
WALTER LIVINGSTON
ARTHUR LEE

May 14th 1787.

[Letter of Board of Treasury on copper coins ¹]

BOARD OF TREASURY

May 11th 1787.

SIR: Agreeably to the Orders of Congress of the 26th of April 1787. We do ourselves the honor of submitting to the opinion of that honorable Body several devices for the proposed Copper Coin.

¹ *Papers of the Continental Congress*, No. 139, p. 515, read July 4, 1787. According to indorsement and the *Committee Book, Papers of Continental Congress*, No. 190, p. 150, the letter was referred to a committee consisting of Mr. William Pierce, Mr. John Kean and Mr. Samuel Holten, which reported July 6, 1787. The letter is also indorsed "Resolved that devices N. 3 and 4 be used."

These devices are numbered from N^o 1 to 7; and if any two Numbers should be approved of by Congress we shall take measures to have the Contract executed in conformity to it.

We beg leave to suggest the necessity of an early decision on this Subject that there may be as little delay as possible in the commencement of the Copper coinage.

We have the honor to be, etc.,

His Excellency

THE PRESIDENT OF CONGRESS.

SAMUEL OSGOOD

WALTER LIVINGSTON

ARTHUR LEE

[Letter of Secretary at War respecting Indian affairs ¹]

WAR OFFICE *May 29, 1787*

SIR: I have the honor to transmit for the information of Congress a copy of a letter and its enclosure just received from Major Hamtramck. The intelligence contained in the enclosure, is very opposite to the train of information which has been received from the official servants of the United States on the frontiers. But the character and opportunities of M^r Duncan are such, that he is entitled to the greatest credit. If he has not been deceived in the present case, further intelligence may be hourly expected.

I have the honor to be etc.,

H KNOX

CHARLES THOMSON Esq^r

Secretary of Congress

[Letter of Secretary at War respecting his absence ²]

WAR OFFICE, *9th June 1787.*

SIR: I beg leave to inform Congress, should they meet previous to my return, that the numerous military stores in Philadelphia were not so arranged, at the time I was there, as to admit of that minute inspection, which I think necessary.

I shall therefore embrace the present recess of Congress, to complete the necessary business pointed out in the ordinance for ascertaining

¹ *Papers of the Continental Congress*, No. 150, II, p. 351, read July 4, 1787. The enclosures are on pp. 347-348 and 343-344.

² *Papers of the Continental Congress*, No. 150, II, p. 355, read July 4, 1787.

the duties of the Secretary at War. I expect to return to this City, previously to the 25th instant.

I have the honor to be, etc.,

H KNOX ¹

THE DEPUTY SECRETARY OF CONGRESS.

THURSDAY, JULY 5, 1787.

Four States only attending namely Massachusetts New Jersey, Virginia and South Carolina and from New York M^r [John] Haring from Pennsylvania M^r [John] Armstrong from North Carolina M^r [Benjamin] Hawkins and from Georgia M^r [William] Few, the Chairman adjourned Congress until 11 o'clock to Morrow.

FRIDAY, JULY 6, 1787.

Congress assembled present, Massachusetts New York New Jersey, Virginia North Carolina South Carolina and Georgia and from the State of Pennsylvania M^r [John] Armstrong.

[Report of committee on device for copper coin ²]

The Committee, consisting of M^r [William] Pierce, M^r [John] Kean, and M^r [Samuel] Holten to whom was referred a Letter ³ from the Board of treasury, dated the 11th May 1787, report

That they having examined the several Devices sent for the copper coinage of the United States, are of opinion that the numbers 3 and 4 ought to be adopted. Therefore

Resolved that the board of Treasury direct M^r ~~Jarvis~~, the contractor for the copper coinage, to stamp on one side of each piece the following device, viz. thirteen circles linked together, ~~each of which to bear the name of one of the States in the Union;~~ a small circle in the middle

¹ JULY 4, 1787. According to indorsement was read a letter of John Avery, jr., to Charles Thomson, informing that Massachusetts had repealed all laws repugnant to the treaty of peace with Great Britain, by an act passed April 30, 1787. *Papers of the Continental Congress*, No. 65, II, p. 359. An attested copy of the Act is on pp. 335-336.

² *Papers of the Continental Congress*, No. 26, p. 645, in the writing of Mr. William Pierce, read and passed July 6, 1787. The changes are in another hand.

³ See July 4, 1787.

with the words, "*American Congress*" flowing round it: and in the centre of that circle, the words "WE ARE ONE".

On the opposite side of the same piece the following device to be stamped, viz a Dial with the Hours expressed on the face of it; a meridian sun above; on one side of which, is to be the word "*fugio*", and on the other, the Year in figures "1787". Below the Dial, the words "*mind your business.*"

[Motion for amendment ¹]

Strike out from the word ~~Union~~ [together] to y^e words ~~round~~ [a small circle] Instead of American Congress say U.S. Strike out the word flowing.

On the report of a com^{es} consisting of M^r [William] Pierce M^r [John] Kean and M^r [Samuel] Holten to whom was referred a letter of the 11 May from the board of treasury

Resolved That the board of treasury direct the contractor for the copper coinage to stamp on one side of each piece the following device, viz Thirteen circles linked together, a small circle in the middle with the words "~~American Congress~~" [United States] round it, and in the centre the words "We are one".; On the other side of the same piece the following device, viz A Dial with the hours expressed on the face of it, a Meridian sun above on one side of which is to be the word "Fugio" and on the other the year in figures "1787" below the dial the words "Mind your business".

On motion ² of M^r [John] Kean seconded by M^r [Samuel] Holten

Ordered That the Secretary of Congress write to the Executives of the States not represented in Congress and request them to ³ urge the immediate attendance of their delegates,

¹ This motion is written at the bottom of the report.

² *Papers of the Continental Congress*, No. 26, p. 649, in the writing of Mr. Kean.

³ The phrase "urge the immediate attendance of their delegates" was substituted for "immediately order on their delegates" of the original motion.

as business of the greatest importance is neglected through their non Attendance.¹

[Letter of Board of Treasury transmitting Statements²]

BOARD OF TREASURY

July 6th 1787

SIR: We request the Favor of your Excellency to lay before Congress, the Registers Statement of the Receipts and Expenditures of the United States, from the 1st of January to the 31st day of March last. The Accounts of the Commissioners of the several Loan Offices for the last Quarter ending on the 30th Ultimo, not having been yet transmitted, the Adjustment of them is necessarily deferred. As soon as they come to hand no Time will be lost in Completing the General Statement.

We have the Honor to be, etc.,

SAMUEL OSGOOD
ARTHUR LEE

To His Excellency
THE PRESIDENT OF CONGRESS.

¹ In conformity with this order the Secretary wrote to the governors of New Hampshire, Rhode Island, Connecticut, Pennsylvania, Delaware and Maryland on July 7, 1787. The letter is copied in *Secretary's Letter Book, Papers of the Continental Congress*, No. 18 B, pp. 120-121.

² *Papers of the Continental Congress*, No. 140, II, p. 423, read July 6, 1787. The several statements transmitted are in *Papers of the Continental Congress*, No. 141, II, as follows: General Account of Receipts and Expenditures of the United States, No. 11, from 1st January to 31st March 1787, pp. 119-120; Schedule of Requisitions. . . . Shewing. . . . Balances due 31st March 1787, pp. 123-124; General Account of Taxes No. 11, pp. 125-126, with supporting documents: No. 1, Expenditures of the Civil List, pp. 136-142; no. 2, Expenditures of the Pay Master General, p. 144; no. 3, Expenditures for Subsistence of the Army, p. 146; no. 4, Expenditures of the Quarter Master General, p. 148; no. 5, Expenditures for Indian Affairs, p. 150; no. 6, Expenditures for Military and Ordnance Stores, p. 152; no. 7, Expenditures for Pensions, Annuities and Grants, p. 154; and no. 8, Expenditures for Payment of Foreign Interest, p. 156.

[Letter of Secretary at War on state of Western country¹]

WAR OFFICE 5th July 1787

SIR: I have the honor to transmit for the information of Congress, a letter from Colonel Harmar dated at Muskingum the 14th of May last.

I have the honor to be, etc.,

H KNOX

The honorable CHAIRMAN OF CONGRESS.

[Letter of Secretary for Foreign Affairs transmitting diplomatic correspondence²]

OFFICE FOR FOREIGN AFFAIRS

6th July 1787

SIR: I have the Honor of transmitting to your Excellency herewith enclosed, four Letters from M^r Adams,³ dated the 10th 19 and 30 April and 1st May last with the Papers that were enclosed with them, two Letters from M^r Short⁴ of 21st March 4th May last with the Papers and Medals mentioned in them, three Letters from M^r Bar-

¹ *Papers of the Continental Congress*, No. 150, II, p. 366, read July 6, 1787. A copy of Col. Harmar's letter is on pp. 359-365.

² *Papers of the Continental Congress*, No. 80, III, p. 269, read July 6, 1787.

³ *Papers of the Continental Congress*, No. 84, VI, pp. 439-441, 443-444, 447-449 and 461, respectively, with enclosures of the last two on pp. 451-458 and 465, 469-470, read July 6, 1787. According to indorsement injunction of secrecy was taken so far as relates to the attempts to counterfeit the paper currency of the States. The letter of April 10 relates to an attempt to counterfeit the paper currency of North and South Carolina and the circulation of base copper. That of April 19 gives account of an Act of Parliament concerning trade between the United States and Great Britain and the failure of another bill on the same subject. That of April 30 deals further with the attempt to counterfeit American currency and the arrest of John Muir. And that of May 1 encloses a volume on naval architecture by Patrick Miller.

⁴ *Papers of the Continental Congress*, No. 87, II, pp. 1 and 5-6 respectively, with enclosures of the second on pp. 7-22. The letter of March 21 transmits medal for General Greene and a letter from Mr. Dumas. That of May 4 treats of medal for General Gates, other medals, affairs in France, letter of Calonne to Jefferson on commerce and resignation of de Fourqueux. The enclosures of this letter include two decrees respecting commerce and an address of the King.

clay¹ with their Enclosures; they are dated the 14th May 1786 and 12th February and 29th March last, also the following Letters from M^r Dumas² with their Enclosures, Viz^s of 23^d September, 3, 23 and 31 October, 4th 17, and 29 November, and 2^d and 22 December 1786, and 1st 6 and 26 January, 13th 16 and 27 February and 31st March 1787.

I have the Honor to be, etc.

JOHN JAY.³

His Excellency

THE PRESIDENT OF CONGRESS.

¹ *Papers of the Continental Congress*, No. 91, pp. 140, 338-341 and 342-343, respectively. The letter of May 14, 1786, is respecting expenses paid at the free ports in France by American and Spanish ships. That of February 12, 1787, deals with the accounts of Mr. Lamb and Messrs. Lagoanere. That of March 29 treats further of Lamb's accounts and announces his return to America.

² According to the *Despatch Book*, *Papers of the Continental Congress*, No. 185, IV, p. 14, the letters of Dumas were received. They were numbered 9 to 20, excepting those of October 3, 1786, and January 1 and March 31, 1787. Letters Nos. 17-20 and that of March 31, 1787, with enclosures are in *Papers of the Continental Congress*, No. 93, III, p. 145 ff. Letter Book copies of all the Dumas letters are in The Hague, *Algemeen Ryksarchief, Stukken afkomstig van C. W. F. Dumas*, Inventaris No. I, p. 829 ff.; Library of Congress, Facsimiles.

³ JULY 6, 1787. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 150, the following letters, relating to Indian affairs, were referred to the Secretary at War to report:

Letter of John Cleves Symmes to President of Congress, May 3, 1787, read July 6. *Papers of the Continental Congress*, No. 56, pp. 197-200 and 205-207.

Letter of Joseph Martin to _____, March 25, 1787, read July 6. *Papers of the Continental Congress*, No. 71, II, p. 567, with three enclosures on pp. 569, 571-572.

Copy of letter of Col. Josiah Harmar to Secretary at War, May 14, 1787, enclosed in Secretary Knox's letter, read July 6. See above.

Letters from Beverly Randolph to the Delegates of Virginia, of June 6, 15 and 18, 1787, received July 6, respecting Indian Affairs. They are in *Papers of the Continental Congress*, No. 71, II, pp. 539, 549 and 543, respectively, with the respective enclosures on pp. 555-566, 553 and 547-548.

Letter from Beverly Randolph to the Delegates of Virginia, June 2, 1787, received July 6, regarding affairs in the state of Franklin. *Papers of the Continental Congress*, No. 71, II, p. 531 with its enclosure on pp. 535-537.

The Secretary at War reported on the preceding documents on July 11, 1787.

Also according to the *Committee Book* the following matters were referred:

Account of Richard Harrison. *Papers of the Continental Congress*, No. 84, VI, pp. 435-436. This account was enclosed in the letter of J. Adams to J. Jay, February 24, 1787. Referred to the Board of Treasury to report. See May 3, July 30 and October 9 and 12, 1787.

SATURDAY, JULY 7, 1787.

Congress assembled present as yesterday.

[Report of Secretary of Congress on sundry petitions ¹]*July 5, [1787]*

On the petition of Duncan Campbell ² a canadian refugee praying that Congress would be pleased to grant him an Order on the treasury for the payment of the balance which may be found due to him and

Petition of Canadian refugees complaining of abuses and frauds of contractors. According to the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. 13, this petition was delivered July 6, 1787. Referred to Board of Treasury to report.

Petition of David Henley, June 11, 1787, read July 6, respecting his salary. *Papers of the Continental Congress*, No. 42, III, pp. 570-571. Referred to the Board of Treasury to report. Report rendered February 1, 1788, and acted on June 4, 1788.

Petition of masters of vessels of States of America, signed at Pointe a Pitre, Guadaloupe, by William Russell and fourteen others, with the last signing for fifteen additional masters, on May 3, 1787, regarding decree closing port to American shipping. *Papers of the Continental Congress*, No. 167, pp. 252-253, read July 6, 1787. A second signed copy of the petition is in *Papers of the Continental Congress*, No. 42, V, pp. 395-396. Referred to the Secretary for Foreign Affairs to report.

Letter of T. Jefferson to J. Jay, February 14, 1787, respecting striking of medals from the dies of General Gates and Greene. Referred to the Secretary for Foreign Affairs to report. Report rendered July 13, 1787. See May 3, 1787.

According to indorsement was read a letter of Thomas Hutchins to President of Congress, June 25, 1787, requesting a leave of absence, which was granted. *Papers of the Continental Congress*, No. 60, p. 185.

According to the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, pp. 13-14, the following letters were received:

Letter of W. S. Smith to John Jay, April 1, 1787, regarding the temper of Great Britain toward the United States. *Papers of the Continental Congress*, No. 92, pp. 69-71.

Letter of Thomas Jefferson to J. Jay, February 23, 1787, respecting the assembly of notables and the substance of Calonne's speech. Copy in *Papers of the Continental Congress*, No. 107, II, pp. 3-5.

Letter of W. S. Smith to J. Jay, February 9, 1787, on the absence of Lord North and political affairs in England. *Papers of the Continental Congress*, No. 92, pp. 184-187.

¹ *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, pp. 55-56. The reference of these petitions is noted in the *Committee Book, Papers of the Continental Congress*, No. 190, p. 151.

² See May 2, 1787 and September 9 and 16, 1788.

On the petition of Joseph Pellon, another Canadian refugee claiming lands as a captain and praying for a grant of such land and pay for rations and expenditures which he has made to the amount of 207 guineas Halifax Currency

The Sec^y of Congress reports

That the petition of Duncan Campbell and the
 agreed to July 7 petition of Joseph Pellon be referred to the board of treasury to report.

OFFICE OF SEC^y OF CONGRESS

July 5. 1787

On the petition of Richard Lawrence¹ a prisoner confined in the New Jail of the City of New York stating that since the ~~conclusion~~ of the peace he has been arrested and confined in prison for Acts done during the war and under special Orders from the british commander in chief and praying that Congress would grant him such relief as they in their wisdom shall think meet

The Sec^y of Congress reports

That the petition of Richard Lawrence be referred to
 July 7 Quest. lost a com^{eo}

On the Memorial of Thomas Pownal² late a lieutenant of marines on board the frigate Virginia stating that he is charged for money and slops received previous to the 11 July 1780 without any allowance for depreciation whereby he stands charged with the sum of 626 dollars instead of 62 dollars and praying Congress to give such directions to Com^r of Acco^{ts} for the marine department as that justice may be done

The Sec^y of Congress reports

That the Memorial of Thomas Pownal be referred to
 July 7 Agreed to the Com^r of Acco^{ts} for the marine departm^t to report.³

¹ See May 2, 1787.

² See May 8, 1787. Report of Commissioner rendered July 12, 1787.

³ JULY 7, 1787. According to indorsement was read a petition of Joseph Allison, executor of the will of Robert Allison, regarding depreciation of the latter's pay. *Papers of the Continental Congress*, No. 42, I, p. 91. The petition is also indorsed that the petitioner have leave to withdraw his petition.

MONDAY, JULY 9, 1787.

Congress assembled present as before.

Mr Richard Henry Lee a delegate for the state of Virginia attended and took his seat.

[Credentials of Richard Henry Lee, Virginia ¹]

Virginia To wit

The General Assembly of this Commonwealth on the seventh day of November, One thousand seven hundred and Eighty six, by joint ballot of both Houses elected Richard Henry Lee esquire, a Delegate to serve in Congress until the first monday in November One thousand seven hundred and Eighty Seven.

Given under my hand and the Seal of the Commonwealth this Eighth day of November, One thousand seven hundred and Eighty six.

[SEAL]

P. HENRY

[Letter of Secretary for Foreign Affairs remitting correspondence ²]

OFFICE FOR FOREIGN AFFAIRS

7th July 1787.

SIR: I have the Honor to transmit to your Excellency herewith enclosed, two Letters from Mr Dumas of 23^d and 30th March last, together with the Papers mentioned to be enclosed with them; and am with great Respect, etc.,

JOHN JAY.³

His Excellency

THE PRESIDENT OF CONGRESS.

¹ Original credentials, read July 9, 1787, in *Papers of the Continental Congress*, Virginia Credentials. They are copied in *Record of Credentials*, *Papers of the Continental Congress*, No. 179, I, p. 219.

² *Papers of the Continental Congress*, No. 80, III, p. 273, read July 9, 1787. Translations of the letters of Dumas, Nos. 21 and 22, dealing with affairs in Holland, are in *Papers of the Continental Congress*, No. 115 B.

³ JULY 9, 1787. According to the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 151, the following committee was appointed:

Mr. Edward Carrington, Mr. Nathan Dane, Mr. Richard Henry Lee, Mr. John Kean, and Mr. Melancton Smith on the report on temporary government of western territory. Report rendered July 11, 1787. See April 26, May 9, 10, July 12 and 13, 1787.

TUESDAY, JULY 10, 1787.

Congress assembled present as before.

[Report of Committee on memorial of S. H. Parsons ¹]

The Committee consisting of [Mr. Edward Carrington, Mr. Rufus King, Mr. Nathan Dane, Mr. James Madison and Mr. Egbert Benson] to whom was referred the Memorial of Samuel H Parsons Esq^r, report as follows,

Resolved, that the Treasury Board be authorised and empowered to contract with Samuel Holden Parsons Esq^r or any other Agent or Agents, duly authorised, by the Company stiled and known by the name of the Association for the purchase of Lands on the N. West side of Ohio River, for a grant of a Tract which shall be bounded by the Ohio, Muskingum and Scioto Rivers, and a due east and West line intersecting a line at a distance not less than 70 Miles from its beginning, to be extended due North from the middle of one to be drawn from the mouth of Muskingum, to the mouth of Scioto, [from the mouth of Sioto to the intersection of the Western Boundary of the seventh Range of Townships now surveying thence by the said

Also according to the *Committee Book*, the following were referred:

Letter of Secretary at War, July 6, 1787, regarding Indian expences, together with an account of Alexander Droomgoole, was referred to the Board of Treasury to report. Report rendered July 18, 1787.

The papers, enclosed in the above letter of July 6, 1787, of the Secretary at War, touching Indian affairs, were referred to the Secretary at War to report. Report rendered July 11, 1787. According to the *Despatch Book, Papers of the Continental Congress*, No. 185, IV, p. 14, the papers inclosed in the latter of July 6 comprised the following copies: Letter of James White to Secretary at War, May 24, 1787, on his negotiations with the Creeks; proceedings of the Lower Creeks, April 10; resolves of the Assembly of Georgia; letter of the Governor of Georgia to James White; White to Mr. McGillivray, April 4; reply of McGillivray; talk of James White to the Lower Creeks; talk from the Choctaws to Congress, November 22, 1786; answer of Secretary at War, June 27, 1787; talk from the Chickasaws; answer of the Secretary at War, June 27, 1787; Secretary at War to James White; message from Cherokees touching encroachments on their lands; reply of the Secretary at War; Alexander Droomgoole's account of expences; and letter of Secretary at War to J. White, June 22, 1787.

¹ *Papers of the Continental Congress*, No. 19, V, pp. 27-29, in the writing of Mr. Edward Carrington. Printed copies of this report are in *Papers of the Continental Congress*, Broad-sides. Read July 10, and made order for the day for July 11, 1787. See May 9, July 14, 17, and 23, 1787.

boundary to the Northern boundary of the Township, thence by a due West line to Sioto, thence by the Sioto to the beginning,] upon the following terms; Viz

The Tract to be surveyed and its contents ascertained by the Geographer, or some other proper Officer of the United States, who shall plainly mark the said east and West line, and shall render one complete plat to the Treasury Board and another to the Company.

The Company, within _____ years from the completion of this work, to lay off the whole Tract, at their own expence, into Townships and fractional parts of Townships, and to divide the same into lots according to the Land Ordinance ¹ of the 20th of May 1785, complete returns whereof shall be made to the Treasury Board.

The lot N^o 16 in each Township to be given perpetually for the purposes contained in the said Ordinance.

The lot N^o 29 in each Township to be given perpetually for the purposes of Religion.

The lots N^o 8, 11, and 26 in each Township to be reserved for the future disposition of Congress.

Four complete Townships to be given perpetually for the purposes of an University, be laid off by the Company, as near the centre as may be, so that the same shall be of good land, to be applied to the intended object by the Legislature of the State.

The stipulated price to be one dollar per Acre for all the Land contained in the Tract, excepting the reservations and gifts aforesaid, payable in specie, loan Office certificates reduced to specie Value, or certificates of liquidated debts of the United States, liable to a reduction by an allowance for bad land, expences of surveying and all incidental charges and circumstances whatever, provided that such allowance shall not exceed in the whole one third of a dollar per Acre.

Such of the Company as may possess rights for bounties of Land to the late Army, to be permitted to render the same in discharge of the contract Acre for Acre, provided that the agregate of such rights, shall not exceed one seventh part of the Land to be paid for, and provided also that there shall be no future claim against the United States on account of the said rights.

dollars of the purchase Money to be paid down upon the closing of the Contract, and the remainder upon the completion of the work to be performed by the Geographer or other Officer, on the part of the United States.

¹ *Journals*, vol. XXVIII, pp. 375-381.

The Company to be at liberty for the term of three years from the closing of this Contract, to extend their purchase, from time to time, upon the same terms, within the Muskingum and Scioto, and lines extending due North from their sources as far as the Indian boundary established by the Treaty of 1785, provided that there shall never be left any interstice, and that the Northern boundary shall always be by a due East and West line until it shall reach the said Indian boundary. a line to be extended due North from the conflux of the branches of Soto at a place called Town lick and the continuation of the boundary of the seventh Range of Townships as far as the Indian boundary established by the Treaty of 1785, provided that there shall never be left any interstice, and that the Northern boundary shall always be by a due East and West line until the several purchases shall reach the said Indian boundary.¹

WEDNESDAY, JULY 11, 1787.

Congress assembled present the seven states above mentioned.

The Com^o consisting of M^r [Edward] Carrington M^r [Nathan] Dane M^r R[ichard] H[enry] Lee M^r [John] Kean and M^r [Melancton] Smith to whom was referred the report of a com^{ee} touch^s the temporary government of the western territory reported an Ordinance for the government of the territory of the United States North West of the river Ohio, which was read a first time.

¹ JULY 10, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 151, the following committee was appointed:

Mr. Abraham Clark, Mr. William Pierce, Mr. Nathan Dane, Mr. William Few and Mr. John Kean on a motion of Mr. Pierce respecting the requisition for 1787 and the estimate of the Board of Treasury for that year. This was a renewal of the committee of May 3, 1787. Report rendered July 14, 1787. See April 2, 1787.

An Ordinance for the Government of the territory of the United States North West of the river Ohio.¹

Be it ordained by the United States in Congress Assembled, that the said Territory, for the purposes of Temporary Government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Be it ordained by the Authority aforesaid that the estates both of resident and non resident proprietors in said Territory dying intestate, shall descend to, and be distributed among their children and the descendents of a deceased child in equal parts; the descendents of a deceased child or grand child to take the share of their deceased parent in equal parts among them. And where there shall be no children or descendents then in equal parts to the next a kin in equal degree, ~~computing by the rules of the civil law,~~ and among Collaterals the children of a deceased brother or sister of the intestate, shall have in equal parts among them their deceased parent's share. Saving in all Cases to the widow of the intestate, her third part of the real estate for life, and where there shall be no children of the intestate, one third part of the personal estate; and this law relative to descents and dower shall remain in full force until altered by the Legislature of the district. And until the Governor and Judges shall adopt laws as herein after mentioned, estates in said Territory may be devised or bequeathed by wills in writing signed and sealed by him or her in whom the estate may be, (being of full age) and attested by three witnesses. And real estates may be conveyed by lease, or bargain and sale, signed, sealed, and delivered by the person being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, Courts, and registries shall be appointed for that purpose. And personal property may be transferred by delivery. Sav-

¹ *Papers of the Continental Congress*, No. 56, pp. 497-502, in the writing of Mr. Nathan Dane, indorsed as read first time July 11, 1787. In printed form this report is in *Papers of the Continental Congress* Broad-sides, with Mss. changes by Charles Thomson and Mr. William Grayson and with a Mss. copy of the sixth Article in the writing of Mr. Dane attached to it. From the indorsement it appears that the corrected printed form represents the second reading on July 12.

The words underlined by the editor in the text of this report were struck out during the debate. See April 26, May 9, 10, and July 9, 12 and 13, 1787.

ing, however, to the Inhabitants of Kaskaskias and post Vincents their laws and customs now in force among them relative to the descent and conveyance of property.

Be it ordained by the Authority aforesaid, that there shall be appointed from time to time by Congress, a Governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed from time to time by Congress, a Secretary whose commission shall continue in force for four years, unless sooner revoked, he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office. It shall be his duty to keep and preserve the Acts and laws passed by the legislature, and the public records of the district, and the proceedings of the Governor in his executive department; and transmit Authentic copies of such Acts and proceedings, every six months, to the Secretary of Congress. There shall also be appointed a Court to consist of three Judges, any two of whom to form a Court, who shall have a Common law Jurisdiction, and reside in the district and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behaviour.

The Governor and Judges, or a majority of them, shall adopt and publish in the district, such laws of the original States, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress, from time to time, which laws shall be in force in the district until the organization of the General Assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The Governor for the time being, shall be commander in chief of the militia, appoint and commission all officers in the same, below the rank of General Officers; all officers above that rank shall be appointed and commissioned by Congress.

Previous to the organization of the General Assembly the Governor shall appoint such magistrates and other civil officers in each County or township, as he shall find necessary for the preservation of the peace and good order in the same. After the General Assembly shall

be organised, the powers and duties of magistrates and other civil Officers shall be regulated and defined by the said Assembly; but all magistrates and other civil Officers, not herein otherwise directed, shall, during the continuance of this temporary Government, be appointed by the Governor.

For the prevention of crimes and Injuries the laws to be adopted or made shall have force in all parts of the district and for the execution of process criminal and civil the Governor shall make proper divisions thereof. And he shall proceed, from time to time, as circumstances may require to lay out the parts of the district in which the Indian titles shall have been extinguished into Counties and townships subject however to such alterations, as may thereafter be made by the Legislature.

So soon as there shall be 5000 free male Inhabitants, of full age, in the district upon giving proof thereof to the Governor, they shall receive authority, with time and place to elect representatives from their Counties or townships, to represent them in the General Assembly; provided that for every 500 free male Inhabitants there shall be one representative, and so on progressively with the number of free male Inhabitants, shall the right of representation increase, until the number of representatives shall amount to 25, after which the number and proportion of representatives shall be regulated by the legislature, provided that no person be eligible or qualified to Act as a representative unless he shall have been a Citizen of one of the United States three years and be resident in the district, or unless he shall have resided in the district three years, and in either Case shall likewise hold in his own right, in fee simple, 200 acres of land within the same, provided Also that a freehold of fifty acres of land in the district, having been a Citizen of one of the States and being resident in the district; or the like freehold and two years residence in the district shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected shall serve for the term of two years, and in Case of the death of a representative, or removal from office, the Governor shall issue a writ to the County or township for which he was a member to elect another in his stead, to serve for the residue of the term.

The General Assembly, or legislature, shall consist of the Governor, legislative Council, and a House of representatives. The legislative Council shall consist of 5 members to continue in office 5 years, unless sooner removed by Congress, any three of whom to be a quorum and

the members of the Council shall be nominated and appointed in the following manner to wit, as soon as representatives shall be elected the Governor shall appoint a time and place for them to meet together and when met they shall nominate ten persons residents in the district and each possessed of a freehold in 500 acres of land and return the names to Congress five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the Council by death, or removal from office, the House of representatives shall nominate two persons qualified as aforesaid for each vacancy, and return their names to Congress, one of whom Congress shall appoint and commission for the residue of the term; and every five years, four months, at least, before the expiration of the time of service of the members of Council the said House shall nominate ten persons qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as members of the Council five years unless sooner removed. And the Governor, legislative Council, and House of Representatives shall have authority to make laws in all Cases for the good government of the district not repugnant to the principles and articles in this ordinance established and declared. And all bills having passed by a majority in the House and by a majority in the Council, shall be referred to the Governor for his assent; but no bill or legislative Act whatever shall be of any force without his assent. The Governor shall have power to convene, prorogue and dissolve the General Assembly when in his opinion it shall be expedient.

The Governor Judges, legislative Council, Secretary and Such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office, the Governor before the president of Congress, and all other officers before the Governor. As soon as a legislature shall be formed in the district the Council and House assembled in one room shall have authority by Joint ballot to elect a Delegate to Congress who shall have a seat in Congress with a right of debating but not of voting during this temporary Government.

And for extending to all parts of the Confederacy the fundamental principles of civil and religious liberty which form the basis whereon these republics, their laws and Constitutions are erected; to fix and establish those principles as the basis of all laws Constitutions and Governments, which forever hereafter shall be formed in the said Territory; to provide also for the establishment of States and permanent Government therein, and for their admission to a share in the

federal Councils on an equal footing with the original States at as early periods as may be consistent with the General Interest,

It is hereby ordained and declared by the authority aforesaid that the following articles shall be considered as articles of compact between the original States and the people and States in the said Territory, and forever remain unalterable unless by Common Consent to wit,

Article the first. no person demeaning himself in a peaceable and orderly manner shall ever be molested on account of his mode of worship or religious sentiments in the said Territory.

Article the second. the Inhabitants of the said Territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by Jury; of a proportional representation of the people in the legislature, and of Judicial proceedings according to the Course of the Common law; all persons shall beailable unless for capital offences where the proof shall be evident, or the presumption great; all fines shall be moderate and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property but by the Judgment of his peers or the law of the land, and should the public exigencies make it necessary for the common preservation to take any persons property or to demand his particular services, full compensation shall be made therefor, and in the Just preservation of rights and property it is understood and declared, that no law ought ever to be made, or have force in the said Territory, that shall in any manner whatever interfere with, or effect private contracts or engagements, bona fide and without fraud previously formed.

Article the third. Institutions for the promotion of religion and morality, schools and the means of education shall forever be encouraged, and all persons while young shall be taught some useful Occupation. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty, they never shall be invaded or disturbed, unless in Just and lawful wars authorised by Congress; but laws founded in Justice and humanity shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

Article the fourth. The said Territory and the States which may be formed therein shall forever remain a part of this Confederacy of the United States of America subject to the articles of Confederation and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled

conformable thereto. The Inhabitants and settlers in said Territory shall be subject to pay a part of the federal debts contracted or to be contracted, and a proportional part of the expences of Government, to be apportioned on them by Congress according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of the district or districts or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers, no tax shall be imposed on lands the property of the United States, and in no Case shall non resident proprietors be taxed higher than residents. No laws shall ever be made in said Territory for creating perpetuities therein, and the navigable waters leading into the Mississippi and St Lawrence, and the carrying places between the same shall be common high ways, and forever free, as well to the Inhabitants of the said Territory, as to the Citizens of the United States, and those of any other States, that may be admitted into the Confederacy without any tax, impost or duty therefor.

Article the fifth. There shall be formed in the said Territory not less than three nor more than five States and the boundaries of the States, as soon as Virginia shall alter her act of cession and authorise the same shall become fixed and established as follows to wit. the Western State in said territory shall be bounded by the Mississippi, the Ohio and Wabash rivers, a direct line drawn from the Wabash and post Vincents due North to the territorial line between the United States and Canada, and by said Territorial line to the lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line the Wabash from post Vincents to the Ohio, by the Ohio, by a direct line drawn due North from the mouth of the Great Miami to said territorial line and by said territorial line. The Eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line, provided however and it is further understood and declared that the boundaries of these three States shall be subject so far to be altered, that if Congress hereafter shall find it expedient they shall have authority to form one or two States in that part of the said territory which lies North

of an East and West line drawn through the Southerly bend or extremity of lake Michigan; and whenever any of the said States shall have sixty thousand free Inhabitants therein, such State shall be admitted by its Delegates into the Congress of the United States, on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent Constitution and State Government, provided the Constitution and Government so to be formed shall be republican and in conformity to the principles contained in these articles and so far as it can be consistent with the General Interest of the Confederacy such admission shall be allowed at an earlier period and when there may be a less number of free Inhabitants in the State than sixty thousand.

Be it ordained by the authority aforesaid that the resolutions of the 23^d of April, 1784, be, and the same are hereby repealed and declared null and void.

Ordered That to morrow be assigned for 2^d reading.

[Report of Board of Treasury on issue of indents ¹]

The Board of Treasury to whom was referred a Letter of the 18th (NB 16th date of the letter) of April 1787, from His Excellency the Governor of the State of Virginia,

Beg leave to Report

That the purport of the said Letter is, that the Board of Treasury should be instructed to order the issue of Interest on the Requisition ² of the 2^d of August 1786.

On the above application the Board beg leave to observe, that it implies, either,

That the Commissioners of this Board have neglected to carry into execution that part of the Requisition abovementioned which relates to the issue of Indents in the State of Virginia, Or,

¹ *Papers of the Continental Congress*, No. 139, pp. 519-533, read July 11, 1787. The covering letter of the Board, also read, is in *Papers of the Continental Congress*, No. 140, I, p. 375. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 152, the report was referred to a committee consisting of Mr. Nathan Dane, Mr. Abraham Clark, Mr. Richard Henry Lee, Mr. John Kean and Mr. Melancton Smith. It is also indorsed as superseded by requisition for 1787. See May 2 and July 16, 1787.

² *Journals*, vol. XXXI, pp. 461-465.

That it would be proper for the United States in Congress to direct the issue of Indents of Interest in that State; notwithstanding the clause in the said Requisition, restraining the issue of Indents where adequate Funds were not provided by the States for furnishing their respective Quotas.

In order to enable Congress to form a proper opinion how far the inference first mentioned (if intended by the said Letter) is properly supported; or whether it would be advisable to set aside the restrictions on the said Requisition as above specified, the Board beg leave to submit to the consideration of that Honorable Body the following facts and observations, viz.

The Act of the State of Virginia, directing the appropriations for complying with the Requisition of the 2^d of August 1786, is entitled an Act—To amend and condense into one Act the several Laws for appropriating the Public Revenue. From the title of the Law, Congress would naturally presume that the Monies intended for the State purposes, and those for the Union, are blended in one System of Collection, and such indeed is the fact generally. Hence it becomes impracticable for even those who are best acquainted with the nature and productiveness of the different Revenues of Virginia, to decide positively as to the amount of the provision made by the general Revenue Laws, or of the exact proportion resulting therefrom, for the purposes of the State, and those of the Union; And this difficulty is enhanced, not only from the variety of State Anticipations (as well as Indents of Interest) which are made receiveable as Specie, in several of the Taxes; but from a want of attention to the detail of Collection; so that the proportion of Specie and of Interest Indents may correspond with what is pointed out and authorised by the general Requisitions.

That such is the operation of the Revenue Laws is warranted by the opinion of the Commissioner of the Loan Office for the State of Virginia, who by a clause of the Requisition of the 2^d of August 1786, is precluded, *under any pretence whatever* from certifying or issuing any Certificate for Interest, untill the State for which he is appointed Loan Officer shall have past a Legislative Act thereby providing adequate Funds for complying with that Requisition.

It is observed by that Officer in a Letter to the Board of the 16th of January last, “That the Funds allotted to Federal purposes, meet with so many Anticipations by the admission of State Warrants; that it is not in the power of human wisdom to determine what Sum can

be expected from the Tax of 1786, now collecting; that the admission of Tobacco in the collection of that Tax might produce something and that the additional duty on Tobacco exported, which would be applied to Federal purposes alone, would he presumed, produce 50,000 Dollars; but that after all, *there would be large deficiencies on the several Requisitions; and that the Legislature had not devised sufficient means for supplying those deficiencies.*"

The Board beg leave to observe, that if they had governed themselves by a strict construction of that clause of the Requisition, which relates to the issue of Indents, they should have conceived themselves justified in directing the Loan Officer of the State of Virginia not to issue Indents; the information of that Officer being expressly, "That the Funds provided by the State were not adequate to furnish the Quota of the last Requisition." From a solicitude however of giving to the Public Creditors in the State of Virginia, the relief intended from the issue of Indents, they applied by Letter on the 19th of February last to the Honorable the Delegates of the State of Virginia for their opinion as to the sufficiency of the Funds provided by the State for complying with the Requisition of the 2^d of August last. On a personal conference which took place betwixt those Gentlemen and the Board on this subject they observed, "That it was to be presumed, that the State had provided such Funds as they judged adequate to the object" but they declined giving their own opinion as to their sufficiency.

How far a favorable opinion entertained by the State of the provision made for complying with the Requisition of the 2^d of August last, was to be considered by this Board as an establishment of adequate Funds, Congress will easily determine. Certain it is, that although the Act of the State of Virginia for complying with the Requisition¹ of the 27th September 1785 was in its form more consonant to the General Requisition of that Year, than any of the Laws past by the other States in pursuance of it; nothing yet has resulted from it in discharge of that Requisition. It became therefore the peculiar duty of the Board to examine with attention such documents as had been transmitted to their Office, relative to the Revenues of the State of Virginia, in order to ascertain with as much precision as possible what would be the probable amount of the Funds relied on by the State for discharging their Quota of the Requisition of the 2^d of August last.

¹*Journals*, XXIX, pp. 765-771.

The result of this investigation is as follows.

By the Act of the State of Virginia for amending and condensing into one Act the several Laws for appropriating the Public Revenue, the provisions of a general and contingent nature for discharging their Quota of the Requisition of the 2^d of August last, are, viz.

General Provisions.

Slave Tax for the Year 1786. One moiety whereof being appropriated to the Requisitions may be estimated at £53,752, Virginia Currency, after deducting 5 per Cent for collecting, and 2½ for allowance for Insolvencies; which deductions are agreeably to an Estimate formed by a Committee of the Legislature of the State, this Sum brought into Doll^s is..... 179, 173. 32

Tax of one and half per Cent on Lands and unimproved Lots—the net Annual Amount of which may be estimated at..... £93, 012

From which are the following deductions to be made, being appropriations made by the State, viz. One tenth appropriated for the redemption of New Emission Money of the 18th March 1780..... £ 9, 790:

Interest on State Paper funded at the rate of 1000 for one..... 435:19/8
Tax on the Borough of Norfolk remitted..... 408: 6/6

10, 634: 6/2

which Sum of £10,634:6/2 deducted from 93,012£ net annual amount of that Tax leaves £82,378:6/2. Virginia Currency, equal to..... 274, 594. 35

Act imposing new Taxes. No documents are in the Office to ascertain the probable amount of this Tax; the whole of which it is declared by one clause of the Bill (except what arises in the Borough of Norfolk) shall be appropriated towards the Requisition of the 2^d of August last; though by a subsequent clause, Interest Warrants on Military Certificates are made receivable on it, which must of course lessen very considerably the receipt of Specie on it, let us suppose it however to produce..... £15, 000 50, 000

Doll^s 503, 767. 67

The Contingent provision is

The surplus of the general Fund, if any should arise after certain appropriations specified by the above Act are satisfied.

These Appropriations are, viz.

Contingent charges of the Civil Government at the disposal of the Executive.....	£10, 000.
Subject to the Votes of the General Assembly.....	1, 000.
Pensions to Wounded and disabled Officers and Soldiers.....	5, 000.
Salaries to the Officers of Civil Government, Naval Officers &c..	25, 184.
Interest on the State Loan Office Debt.....	13, 000.
Expences of Criminal Prosecutions.....	9, 000.
	<hr/>
Virginia curr ^y	£63, 184.
The objects constituting this Fund, are viz	
A Tax on free Male Titheables, the annual Amount of which may be Estimated at.....	£30, 000.
Duties on Wheels, Ordinary Liscences &c. &c.....	30, 000.
	<hr/>
	£60, 000.
Excess of the fixed Appropriations beyond the provision.....	3, 184.
	<hr/>
Virg ^s Curr ^y	£63, 184.

Hence it appears, that no surplus can be expected from the general Fund towards the Requisition of the 2^d of August last; because the fixed appropriations exceed the amount of the whole Fund, including the tax on Wheels, which Tax (though formerly constituting part of the general Fund, and included in the above Estimate) is by the late Act for condensing the Appropriations of the Public Revenue, otherwise applied. But exclusive of these appropriations there are several others specified in the above Law whose amount cannot be ascertained. The result is that the Provision made by it cannot exceed 503,567 Dollars.¹

Having thus stated the appropriations, under the Act for amending and condensing the several Appropriation Laws, which may be applied towards the Requisition of the 2^d of August 1786, after that of the 27th of September 1785 is satisfied and not before, (for such is the express direction of the Act) it is necessary to enquire what has resulted from the Appropriations made by the State for complying with that Requisition.

¹ This amount should be 503,767 dollars.

The fact is, that nothing as yet has been paid into the General Treasury on account of it; and that the Commissioner of the Loan Office for the State of Virginia, expressly declares in a Letter to this Board of the 16th of January last, "That no reliance can be placed on the half Tax for 1785, for complying with the Specie part of the Requisition for that Year." The amount of Indents of Interest issued in pursuance of it, which were in the hands of the State Treasurer on the 1st of January last, is the only Sum which can be relied on towards the discharge of it. This Sum amounts to 130,654 Dollars. By adding it therefore to the amount of the Provision above stated, and comparing the aggregate with the States Quota on the Requisition of 1785, and 1786, it will appear what (if any) Surplus remains after the Requisition of 1785 is satisfied, towards the discharge of that of 1786.

The Quota of the State of Virginia on the Requisition of the 27 th of September 1785, is.....	512, 974
On that of the 2 ^d of August 1786.....	645, 843
	Dollars 1, 158, 817

Amount of Funds appropriated as computed under the Act for amending and condensing the former appropriation Laws.....	503, 767
Amount of Indents in the hands of the State Treasurer on the 1 st of January last.....	130, 654
Total deficiency on both Requisitions.....	524, 396

As above Doll^s 1, 158, 817

So that there is only 121,447 Dollars beyond what is necessary to discharge the Requisition of the 27th September 1785, which as we before observed, must by the Act of the State be first satisfied. It may be said, that the Specie arising from the special Requisition¹ of the 21st of October last, may be applied towards the discharge of that of the 2^d of August 1786. Supposing this to be the case (of which the Board have as yet no reason to be assured) the amount cannot exceed 50,000 Dollars, which added to above Sum of 121,447 Dollars would make the whole Provision for the Requisition of the 2^d of August last, 171,447 Dollars, which is 474,396 Dollars short of the Sum necessary to complete the States Quota of that Requisition.

Under the circumstances above stated, we have not conceived ourselves justified in directing the Commissioner of the Loan Office, in

¹ Journals, vol. XXXI, pp. 894-895.

the State of Virginia, to issue Indents of Interest on the Requisition of the 2^d of August last.

Having thus proved (and we trust in a satisfactory manner) that the Funds provided by the State, on account of that Requisition are by no means adequate, we proceed to consider, Whether it would be proper for the United States in Congress to direct the issue of Indents in the State of Virginia, notwithstanding the clause in the last Requisition restraining the issue of Indents where adequate Funds were not provided for discharging the Quotas of the several States.

The objects which the United States must have had in view in adopting the plan for certifying Interest on the Domestic Debt, and making the Evidences thereof receiveable in a certain proportion on the general Requisitions as Specie, must have been to facilitate the collection of the General Revenue, and to extend such relief, as they judged within their compass, to the Creditors of the Union. The first object becomes altogether unnecessary, where no Taxes for the general Requisitions are collected; and the latter will be frustrated, unless adequate Funds are established by the several States to absorb their respective Quotas.

Nor are these the worst consequences which will inevitably flow from continuing the issue of Indents of Interest without a due attention being paid to the means of their redemption. All the evils which have hitherto been so severely experienced from issuing a paper medium, without any Funds for its support, will again be renewed; And the United States in Congress must become responsible for them, should they justify the further issue of Indents, knowing as in the present instance, that no adequate Funds are provided for their redemption.

It may be necessary in this place to inform Congress that, although under the Requisition of the 27th of September 1785, no less a Sum in Indents of Interest has been already issued, than 1,554,375 Dollars (exclusive of the Interest issued to the States of Pennsylvania and New York on account of Certificates of the United States, belonging to those States) not a single Indent has as yet been paid into the Treasury in pursuance of it; If therefore the United States in Congress, should contrary to the express restriction in the Requisition of the 2^d of August last, permit the issue of Indents in any one State, where sufficient Funds are not provided for discharging its Quota, every State in the Union will under the same circumstances claim the same privilege; and of course from the increased quantity of unfunded

Paper which will be thrown into circulation, the Public credit will be reduced to a still lower ebb than it is at present.

To the circumstances above stated, the Board beg leave to observe, that the mode adopted for certifying the Interest on the Public Debt, under the various forms it stands at present, is attended with a trouble and expence, infinitely greater than can be conceived by those who are unacquainted with its detail. If therefore the system of issuing Indents of Interest on the Domestic Debt should be persued, it will be impracticable for the Commissioners of the several Loan Offices to execute the same, under the present reduced System of that Department.

It is with regret that the Board observe that a strict adherence on their part, to their duty as Executive Officers, should expose the United States to the risque of not receiving from the State of Virginia that support towards the Expences of the Current Year, which at this critical period is so essentially necessary. They trust however, that on a candid investigation of this subject, they will stand justified in the Opinion of the United States; and that the Government of the State of Virginia will be convinced, that in adhering to the strict line of their duty, the Board have persued on the present subject of discussion, what is most consistent with the Public honor and interest.

Should this Report meet with the concurrence of the United States in Congress, the Board submit it to the opinion of that Honorable Body, whether it would not be advisable that a copy of the same should be transmitted to the Executive of the State of Virginia.

All which is humbly Submitted

SAMUEL OSGOOD
ARTHUR LEE

July 10th 1787.

[Report of Secretary at War on Indian hostilities ¹]

The Secretary of the United States for the department of war to whom was referr'd sundry papers and letters respecting the hostilities on the frontiers of Virginia

Reports

That the frontiers of Virginia bordering on the Ohio have been in the course of the present year and probably still are involved in the greatest distress, by parties of hostile indians who plunder and murder the inhabitants.

¹ *Papers of the Continental Congress*, No. 151, pp. 259-270, read July 11, 1787. Made order of the day for July 15. See July 6, 9, 18, 19 and 21, 1787.

That the facts are authenticated by the letters and papers transmitted by the Executive of Virginia the letter of John Cleve Symmes Esq.^r and the letter of the commanding officer of the troops, all of which accompany this report.

That from the representations contained in the aforesaid letters and other information prior thereto, it appears most probable that the depredations have been committed by the Shawanoese and the Wabash indians. That the measures necessary to put a stop to said enormities and effectually to prevent them in future demand the most serious attention of the United States.

But your Secretary apprehends that the deep rooted prejudices, and malignity of heart, and conduct reciprocally entertained and practised on all occasions by the Whites and Savages will ever prevent their being good neighbours. The one side anxiously defend their lands which the other avariciously claim. With minds previously inflamed the slightest offence occasions death, revenge follows which knows no bounds. The flames of a merciless war are thus lighted up which involve the innocent and helpless with the guilty. Either one or the other party must remove to a greater distance, or Government must keep them both in awe by a strong hand, and compel them to be moderate and just.

The right that each party assumes of being judges and prompt executioners in their own cause prevents all effectual interference, excepting by a legal coercive power, which shall make the necessary sacrifices to Justice, let them belong to which side they may.

But the small corps of troops on the Ohio would feebly support such a system, even were it not to interfere in its execution with the state governments.

The number of the troops are about five hundred. These are employed in garrisons and in the field to prevent intrusions on the public lands, to cover the surveyors and to protect the inhabitants of the frontiers. One third of the force is employed directly for the latter object. For which purpose one company is stationed at Venango, part of a company at Fort McIntosh and two companies at the falls of the Ohio. But besides these detachments, the troops protecting the surveyors, and preventing usurpations, have the effect, to cover a very large district of country south of the Ohio, from the depredations of the Savages.

But as the surveys appear to be nearly suspended; and as it is probable that Congress may sell the country in a body from the seven

ranges already surveyed to the river Scioto; the disposition of the troops may with propriety be changed, so as more immediately, to conform to the protection of the inhabitants.

In the opinion of your Secretary the complete protection of the frontiers, and the other objects of the United States in the western territory, would require a body of fifteen hundred men. For the want thereof, the public designs and interests languish. The Subjects of Spain have been plundered, And the whole western territory is liable to be wrested out of the hands of the Union by lawless adventurers, or by the savages whose imperfect perceptions render them unable to distinguish between the aforesaid description of persons, and the regular authority of the United States.

Were it practicable to raise and maintain such a body of troops, a chain of posts might be establish[']d, which at once would awe the savages, cover the surveyors and prevent intrusions. The Chain to commence with a small garrison at Fort Pitt, to be connected by others established at Le Boeuf at the head of French Creek; thence a portage of twelve miles over to Presqu' Isle on Lake Erie; at Presqu' Isle; at Cuyahoga or the mouth of Sandusky Lake, whichever on examination should be found to be best calculated to secure boats and shipping; at the mouth of the Miami emptying into Lake Erie. The Miami Village, at the head of the River, a strong post of two hundred and fifty or three hundred men. The head of the Wabash. Post S^t Vincents on the Wabash. The mouth of the Wabash. The mouth of the Ohio. This post would serve as well to curb the professed designs of the lawless, against our Spanish allies, as to evince to the world the dispositions and power of the United States to govern and control their own citizens. The chain would be continued from the mouth of the Ohio to Fort Pitt by small garrisons, at proper intervals, in order to prevent intrusions on the public lands.

But however dignified and important to the character and interests of the United States such a body of troops might be, it is to be regretted that the depressed state of the finances will not admit of the measure. It remains only therefore, that the troops actually in service on the Ohio, be so posted and ordered, as best to restrain the incursions of the savages and prevent usurpations of the public lands.

Your Secretary submits the following general disposition of the troops, giving however at all times full permission to the commanding

officer, to make such changes, and alterations therein, as he shall judge the good of the service may require.

The tribes of indians who inhabit the south western and eastern parts of Lake Erie, seem peaceably inclined. The Shawanoes who were expelled from the Scioto last autumn, have removed to White Creek on the Wabash, and join'd the Wabash indians in their hostilities on the inhabitants of Kentucky. The greater part of the troops should therefore be advanced further down the Ohio. Small garrisons to be retained at Venango Fort Pitt and Fort M^cIntosh. One company at Muskingum part of which to be posted high up on the river. One company high up the Miami and a small post at its mouth. Three companies to be establish'd at S^t Vincents on the Wabash. The remaining troops amounting to two companies and upwards to be stationed at the post already established at the rapids in order as well to cover the settlements, as to afford succour to any post that may want it.

A strong post being established at S^t Vincents will probably either curb the hostile indians, or induce them to remove to a greater distance, or incline them to peace.

In addition to this arrangement it will be necessary that a treaty be held at S^t Vincents with Shawanoes and other Wabash indians in order to effect a peace. This business would particularly belong to the Superintendant. But as the misfortune of breaking his leg will probably incapacitate him for the present, if so, the business might with propriety be delegated to the commanding officer of the troops. That he should be empowered to make peace with the said indians on the terms prescribed to him by Congress. That he should also be empowered to maintain the said peace as far as the authority or interests of the United States should be concerned. That for this purpose he should have the power to confine and try all persons who should within the jurisdiction and territory of the United States injure or kill any of the indians or otherwise infract the treaty.

That such presents as Congress shall direct for the treaty be provided by the board of treasury.

That if after proper efforts a peace with the indians could not be obtained by reason of their wicked and blood thirsty dispositions the commanding officer should endeavor by force to expel them from their towns or extirpate them.

That for this purpose he should collect the whole of his force excepting small garrisons for the respective posts. That he should have

power to call upon the district of Kentucky and the frontier counties of Pennsylvania for a sufficient force for such time as would be necessary to effect his object, provided that the force so required should not exceed one thousand men from the counties of Virginia and five hundred from those of Pennsylvania.

That the commanding officer of the troops of the United States should have the sole direction and command of the expedition. And that the expences thereof should be borne by the Union.

That the Board of Treasury should concur with the Secretary at War in providing the rations, means of transportation and other supplies which should be necessary for such an expedition.

That the pay of the militia so called into service should be the same as the pay of the regular troops.

That the States of Virginia and Pennsylvania should pay their respective militia and that the same should be allowed to the said states out of the requisitions of _____ provided however that no charge for pay rolls for said service be valid unless the said pay rolls be corroborated and supported by actual musters of said militia made by the inspector or by a field officer of the troops of the United States agreeably to the orders of the commanding officer.

In the present embarrassed state of public affairs and entire deficiency of funds an indian war of any considerable extent and duration would most exceedingly distress the United States. The great distance by land which the stores and supplies must be transported would render the expences intolerable.

If in the event it should be found necessary to commence with an attack on the Wabash indians it will be very difficult if not impracticable to prevent the other tribes from joining them. The Officers or traders at the British posts would use every art and intrigue for that purpose.

The expedients herein proposed of posting the troops so as to awe the savages and endeavoring by treaties and presents to incline them to peace are the most rational that can be devised by your Secretary.

An attempt to treat appears to be indispensable even if a war should be the result As At present the disputes between the indians and whites seem to be involved in such a reciprocity of injuries and murders that it may be difficult for the public to judge impartially which is in the wrong. It will be necessary to examine before we

strike. Whenever the United States declare war it is to be hoped that it will be war founded on the immutable principles of Justice.

All which is humbly submitted

H KNOX ¹

WAR OFFICE July 10, 1787

THURSDAY, JULY 12, 1787.

Congress assembled present Massachusetts New York New Jersey Delaware Virginia North Carolina South Carolina and Georgia.

On a report ² of the board of treasury

That from late information received at their Office, they find that Application has been made to the State of Pennsylvania for the payment of a Pension under the Act ³ of Congress of the 7^h of June 1785 by an Officer in the Line of the late Army who has Unsettled Accounts with the United States to a considerable amount; and who, though long since called upon, has hitherto paid no attention to their Adjustment.

That in the opinion of this Board, it is neither consistent with justice, or the interest of the United States, that persons under the description abovementioned should receive the Pensions to which they may be respectively entitled in pursuance of the Acts of Congress; They therefore submit to the consideration of Congress the following Resolve,

Resolved That all officers in the line of the late Army who may be entitled to pensions in pursuance of the acts of Congress in that behalf made shall previous to the receipt of such pension deposit with the proper Officers appointed to discharge the same in the state in which they reside a certificate from the commissioner of army Accounts purporting that no balance is due from the claimant to the United States.

¹ JULY 11, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 152, the letters of Mr. Dumas, particularly that of November 17, 1786, respecting the house of the United States at the Hague, were referred to the Secretary for Foreign Affairs to report. Report rendered July 24, 1787. See July 6, 1787.

² The original report dated July 11, 1787 and signed by Samuel Osgood and Arthur Lee, is in *Papers of the Continental Congress*, No. 139, pp. 535-536. Thomson endorsed this report as passed July 13, which is evidently an error.

³ *Journals*, vol. XXVIII, pp. 435-437.

According to Order the Ordinance for the government of the territory of the United States North west of the river Ohio was read a second time.¹

Ordered that to morrow be assigned for the third reading of the said Ordinance.

[Letter of Secretary at War on movement of troops ²]

WAR OFFICE, *July 12th 1787.*

SIR: I have the honor to transmit to Congress, the copy of a letter just received from Colonel Harmar. The movements of the troops down the Ohio are in consequence of the orders of Congress respecting the intruders at S^t Vincents on the Wabash. But as the orders were solely founded on the principle of the existence of that intrusion, and as Colonel Harmar has transmitted information by his letter of the 14th of May that the intruders were dispersed, the present movement cannot be well accounted for, excepting that Colonel Harmar doubted of the truth of his information.

Should Colonel Harmar proceed to S^t Vincents, as is probable, it may have happy effects; provided he should be enabled to treat with the indians as proposed in my report to Congress of y^e 11th instant, and directed to establish a strong post there.

I have the honor to be, etc.,

The Honorable

H KNOX

WILLIAM GRAYSON, *Chairman of Congress.*

[Report of Commissioner of Marine Accounts on memorial of
T. Pownal.³]

SIR: I do myself the honor to return to you the Memorial of Thomas Pownall referred to me the 8 Inst^l

The Hon^{ble} the Board of Treasury on the 24th of April last Reported generally on the subject of this Memorial, and a great number of

¹ The printed emended copy of the Ordinance in *Papers of the Continental Congress*, Broadsides, is indorsed "read 2^d time. Third reading to be 13 July." See July 11, 1787, for first reading.

² *Papers of the Continental Congress*, No. 150, II, p. 409, read July 12, 1787. A copy of Col. Harmar's letter is on pp. 405-408.

³ *Papers of the Continental Congress*, No. 31, p. 171, read July 12, 1787. It is indorsed see report of the Board of Treasury on the application of S. Nicholson (see April 24, 1787) and see Act of August 1, 1787. Also see May 8 and July 7, 1787.

Persons who are under similar circumstances with M^r Pownal are waiting the determination of Congress thereon.

I have the honor to be, etc.,

OFFICE OF MARINE ACCOUNTS

BEN WALKER ¹

July 10, 1787

CHARLES THOMSON *Esq*^r

FRIDAY, JULY 13, 1787.

Congress assembled present as yesterday

According to Order the Ordinance for the government of the territory of the United States North West of the river Ohio was read a third time ² and passed as follows

An Ordinance for the government of the territory of the United States North West of the river Ohio. ³

Be it ordained by the United States in Congress Assembled that the said territory for the purposes of temporary government be one district, subject however to be divided into two districts as future circumstances may in the Opinion of Congress make it expedient.

Be it ordained by the authority aforesaid, that the estates both of resident and non resident proprietors in the said territory dying intestate shall descend to and be distributed

¹ JULY 12, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 152 the following matters were referred:

Motion of Mr. Nathan Dane respecting supplies furnished to the French fleet in 1778, to the Board of Treasury to report.

An Indian letter of Credence, to the Secretary at War to report. Report, dated July 14, was read July 16, 1787.

² See July 12 for second reading. See also April 26, May 9, 10, July 9 and 11, 1787.

³ Besides the Journal entry this Ordinance is entered by Benjamin Bankson and attested by William Grayson, Chairman, and Chas. Thomson, Secy., in the *Register of Ordinances, Papers of the Continental Congress*, No. 175, pp. 121-134. It is also copied by John Fisher in *Western Territory, Papers of the Continental Congress*, No. 176, pp. 1-14. In printed form, signed by Chas. Thomson, it is in *Papers of the Continental Congress*, No. 59, I, pp. 229-230 and Broad-sides.

The portions of the Ordinance underlined by the editor were added to the original report by amendment during the debate.

among their children and the descendants of a deceased child in equal parts; the descendants of a deceased child or grand child to take the share of their deceased parent in equal parts among them; and where there shall be no children or descendants then in equal parts to the next of kin in equal degree and among collaterals the children of a deceased brother or sister of the intestate shall have in equal parts among them their deceased parent's share and there shall in no case be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate her third part of the real estate for life, and one third part of the personal estate; and this law relative to descents and dower shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as hereinafter mentioned estates in the said territory may be devised or bequeathed by wills in writing signed and sealed by him or her in whom the estate may be, being of full age, and attested by three witnesses, and real estates may be conveyed by lease and release or bargain and sale signed, sealed and delivered by the person being of full age in whom the estate may be and attested by two witnesses provided such wills be duly proved and such conveyances be acknowledged or the execution thereof duly proved and be recorded within one year after proper magistrates, courts and registers shall be appointed for that purpose and personal property may be transferred by delivery saving however to the french and canadian inhabitants and other settlers of the Kaskaskies, Saint Vincents and the neighbouring villages who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid that there shall be appointed from time to time by Congress a governor, whose commission shall continue in force for the term of

three years, unless sooner revoked by Congress; he shall reside in the district and have a freehold estate therein, in one thousand acres of land while in the exercise of his office. There shall be appointed from time to time by Congress a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district and have a freehold estate therein in five hundred acres of land while in the exercise of his office; It shall be his duty to keep and preserve the acts and laws passed by the legislature and the public records of the district and the proceedings of the governor in his executive department and transmit authentic copies of such acts and proceedings every six months to the Secretary of Congress. There shall also be appointed a court to consist of three judges any two of whom to form a court, who shall have a common law jurisdiction and reside in the district and have each therein a freehold estate in five hundred acres of land while in the exercise of their offices, and their commissions shall continue in force during good behaviour.

The governor, and judges or a majority of them shall adopt and publish in the district such laws of the original states criminal and civil as may be necessary and best suited to the circumstances of the district and report them to Congress from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The governor for the time being shall be Commander in chief of the militia, appoint and commission all officers in the same below the rank of general Officers; All general Officers shall be appointed and commissioned by Congress.

Previous to the Organization of the general Assembly the governor shall appoint such magistrates and other civil

officers in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the general Assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said Assembly; but all magistrates and other civil officers, not herein otherwise directed shall during the continuance of this temporary government be appointed by the governor.

For the prevention of crimes and injuries the laws to be adopted or made shall have force in all parts of the district and for the execution of process criminal and civil, the governor shall make proper divisions thereof, and he shall proceed from time to time as circumstances may require to lay out the parts of the district in which the indian titles shall have been extinguished into counties and townships subject however to such alterations as may thereafter be made by the legislature.

So soon as there shall be five thousand free male inhabitants of full age in the district upon giving proof thereof to the governor, they shall receive authority with time and place to elect representatives from their counties or townships to represent them in the general assembly, provided that for every five hundred free male inhabitants there shall be one representative and so on progressively with the number of free male inhabitants shall the right of representation increase until the number of representatives shall amount to twenty five after which the number and proportion of representatives shall be regulated by the legislature; provided that no person be eligible or qualified to act as a representative unless he shall have been a citizen of one of the United States three years and be a resident in the district or unless he shall have resided in the district three years and in either case shall likewise hold in his own right in fee simple two hundred acres of land within the same; provided also that a

freehold in fifty acres of land in the district having been a citizen of one of the states and being resident in the district; or the like freehold and two years residence in the district shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected shall serve for the term of two years and in case of the death of a representative or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead to serve for the residue of the term.

The general assembly or legislature shall consist of the governor, legislative council and a house of representatives. The legislative council shall consist of five members to continue in Office five years unless sooner removed by Congress any three of whom to be a quorum and the members of the council shall be nominated and appointed in the following manner, to wit; As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and when met they shall nominate ten persons residents in the district and each possessed of a freehold in five hundred acres of Land and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council by death or removal from office, the house ¹ of representatives shall nominate two persons qualified as aforesaid, for each vacancy, and return their names to Congress, one of whom Congress shall appoint and commission for the residue of the term, and every five years, four months at least before the expiration of the time of service of the Members of Council, the said house shall nominate ten persons qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as Members of the council five years, unless

¹ Benjamin Bankson takes up the entry.

sooner removed. And the Governor, legislative council, and house of representatives, shall have authority to make laws in all cases for the good government of the district, not repugnant to the principles and Articles in this Ordinance established and declared. And all bills having passed by a majority in the house, and by a majority in the council, shall be referred to the Governor for his assent; but no bill or legislative Act whatever, shall be of any force without his assent. The Governor shall have power to convene, prorogue and dissolve the General Assembly, when in his opinion it shall be expedient.

The Governor, Judges, legislative Council, Secretary, and such other Officers as Congress shall appoint in the district shall take an Oath or Affirmation of fidelity, and of Office, the Governor before the president of Congress, and all other Officers before the Governor. As soon as a legislature shall be formed in the district, the Council and house assembled in one room, shall have authority by joint ballot to elect a Delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary Government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions and governments, which forever hereafter shall be formed in the said territory; to provide also for the establishment of States and permanent government therein, and for their admission to a share in the federal Councils on an equal footing with the original States, at as early periods as may be consistent with the general interest,

It is hereby Ordained and declared by the authority aforesaid, That the following Articles shall be considered as Articles of compact between the Original States and the

people and States in the said territory, and forever remain unalterable, unless by common consent, *to wit*,

Article the First. No person demeaning himself in a peaceable and orderly manner shall ever be molested on account of his mode of worship or religious sentiments in the said territory.

Article the Second. The Inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by Jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law; all persons shall beailable unless for capital offences, where the proof shall be evident, or the presumption great; all fines shall be moderate, and no cruel or unusual punishments shall be inflicted; no man shall be deprived of his liberty or property but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary for the common preservation to take any persons property, or to demand his particular services, full compensation shall be made for the same; and in the just preservation of rights and property it is understood and declared; that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with, or affect private contracts or engagements, bona fide and without fraud previously formed.

Article the Third. Religion, Morality and knowledge being necessary to good government and the happiness of mankind, Schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians, their lands and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorised by Congress; but laws founded in justice and humanity

shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

Article the Fourth. The said territory, and the States which may be formed therein shall forever remain a part of this Confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all the Acts and Ordinances of the United States in Congress Assembled, conformable thereto. The Inhabitants and Settlers in the said territory, shall be subject to pay a part of the federal debts contracted or to be contracted, and a proportional part of the expences of Government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district or districts or new States, as in the original States, within the time agreed upon by the United States in Congress Assembled. The Legislatures of those districts, or new States, shall never interfere with the primary disposal of the Soil by the United States in Congress Assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bonâ fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non resident proprietors be taxed higher than residents. The navigable Waters leading into the Mississippi and St. Lawrence, and the carrying places between the same shall be common highways, and forever free, as well to the Inhabitants of the said territory, as to the Citizens of the United States, and those of any other States that may be admitted into the Confederacy, without any tax, impost or duty therefor.

Article the Fifth. There shall be formed in the said territory, not less than three nor more than five States, and the boundaries of the States, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established as follows, to wit: The Western State in the said territory, shall be bounded by the Mississippi, the Ohio and Wabash rivers; a direct line drawn from the Wabash and post Vincents due North to the territorial line between the United States and Canada, and by the said territorial line to the lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from post Vincents to the Ohio; by the Ohio, by direct line drawn due North from the mouth of the great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line; provided however, and it is further understood and declared, that the boundaries of these three States, shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of lake Michigan; and whenever any of the said States shall have sixty thousand free Inhabitants therein, such State shall be admitted by its Delegates into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government, provided the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these Articles; and so far as it can be consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period, and when there may

be a less number of free Inhabitants in the State than sixty thousand.

Article the Sixth. There shall be neither Slavery nor involuntary Servitude in the said territory otherwise than in the punishment of crimes, whereof the party shall have been duly convicted; provided always that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

Be it Ordained by the Authority aforesaid, that the Resolutions ¹ of the 23^d of April 1784 relative to the subject of this ordinance be, and the same are hereby repealed and declared null and void.

² Done &c.

On passing the above Ordinance the yeas and nays being required by M^r [Abraham] Yates

Massachusetts

M^r Holten ay }
M^r Dane ay } ay

New York

M^r Smith ay }
M^r Haring ay } ay
M^r Yates no }

New Jersey

M^r Clarke ay }
M^r Schurman ay } ay

Delaware

M^r Kearny ay }
M^r Mitchell ay } ay

Virginia

M^r Grayson ay }
M^r R H Lee ay } ay
M^r Carrington ay }

North Carolina

M^r Blount ay }
M^r Hawkins ay } ay

South Carolina

M^r Kean ay }
M^r Huger ay } ay

Georgia

M^r Few ay }
M^r Pierce ay } ay

So it was resolved in the affirmative.

¹ *Journals*, vol. XXVI, pp. 275-279.

² Charles Thomson resumes the entry.

[Report of Board of Treasury on payment of pensions.¹]

The Board of Treasury beg leave to Report to Congress.

That from late information received at their Office, they find that Application has been made to the State of Pennsylvania for the payment of a Pension under the Act² of Congress of the 7th of June 1785 by an Officer in the Line of the late Army who has Unsettled Accounts with the United States to a considerable amount; and who, though long since called upon, has hitherto paid no attention to their Adjustment.

That in the opinion of this Board, it is neither consistent with justice, or the interest of the United States, that persons under the description abovementioned should receive the Pensions to which they may be respectively entitled in pursuance of the Acts of Congress: They therefore submit to the consideration of Congress the following Resolve.

That all Officers in the Line of the late Army who may be entitled to Pensions, in pursuance of the Acts of Congress in that behalf made, shall previous to the receipt of such Pension, deposit with the proper Officers appointed to discharge the same in the State in which they reside, a Certificate from the Commissioner of Army Accounts, purporting that no Balance is due from the Claimant to the United States.

All which is most humbly submitted.

SAMUEL OSGOOD
ARTHUR LEE

July 11th 1787.

[Report of Secretary for Foreign Affairs on medals³]

¹ *Papers of the Continental Congress*, No. 139, pp. 535-536, read and passed July 13, 1787.

² *Journals*, vol. XXVIII, pp. 435-437.

³ *Papers of the Continental Congress*, No. 81, III, pp. 121-123, read July 13, 1787. This report of John Jay, dated July 11, 1787, was on Mr. Jefferson's letter of February 14, respecting the striking of medals. It is entered *verbatim*, except for changes necessary to make the report a *Journal* entry, in the *Secret Journal Foreign*, under July 27, 1787. See May 3 and July 6, 1787.

SATURDAY, JULY 14, 1787.

Congress assembled present as before.

On the report ¹ of a com^{es} consisting of M^r [Abraham] Clarke M^r [John] Kean M^r [Nathan] Dane, M^r [William] Few and M^r [William] Pierce to whom was referred a motion of M^r [William] Pierce

Ordered That the board of treasury prepare and report ² to Congress a requisition on the states for the supplies necessary for the current year including one years interest of the foreign debt and such parts of the principal as may become due the ensuing year, providing for the payment of one year's interest on the domestic debt in a mode most convenient to the states and advantageous to the Union.

The com^{es} consisting of M^r [Edward] Carrington M^r [Rufus] King M^r [Nathan] Dane M^r [James] Madison and M^r [Egbert] Benson to whom was referred a memorial ³ of Samuel Holden Parsons having brought in a report ⁴ which was taken into consideration, and the first paragraph of the report being under debate and which is in the words following to wit "That the board of treasury be authorised and empowered to contract with Samuel Holden Parsons esquire or any other agent or agents duly authorised by the company stiled and known by the name of the Associators for the purchase of lands on the north west side of Ohio river for a grant of a tract which shall be bounded by the Ohio from the Mouth of Sioto to the intersection of the western boundary of the seventh range of townships now surveying thence by the said boundary to the northern

¹ The original report, in the writing of Mr. Abraham Clark, read July 14, 1787, is in *Papers of the Continental Congress*, No. 26, p. 651. See July 10, 1787.

² See September 29, 1787, for the report.

³ See May 9, 1787.

⁴ See July 10, 1787. See also July 17, 20, and 23, 1787.

boundary of the township thence by a due west line to Sioto, thence by the Sioto to the beginning

A motion was made by M^r [John] Kean seconded by M^r [Benjamin] Hawkins to strike out that paragraph and in lieu thereof to insert the following

That the board of treasury be authorised and empowered to advertise for three months and at the termination of the said three months to contract with any person or persons for a grant of a tract of land bounded as follows viz by the river Ohio from the mouth of the river Sioto to the intersection of the western boundary of the seventh range of townships, thence by the said boundary to the northern boundary of the 10th township thence by a due west line to the river Sioto, thence by the said river to the Ohio.

And on the question to agree to this Amendment the yeas and nays being required by M^r [John] Kean,

<i>Massachusetts</i>			<i>Virginia</i>	
M ^r Holten	no	}	M ^r Grayson	no
M ^r Dane	no		M ^r R H Lee	no
<i>New York</i>			M ^r Carrington	no
M ^r Smith	no	}	<i>North Carolina</i>	
M ^r Haring	no		M ^r Blount	ay
M ^r Yates	ay	M ^r Hawkins	ay	
<i>New Jersey</i>			<i>South Carolina</i>	
M ^r Clark	ay	}	M ^r Kean	ay
M ^r Schurman	ay		M ^r Huger	no
<i>Delaware</i>			<i>Georgia</i>	
M ^r Kearny	no	}	M ^r Few	ay
M ^r Mitchel	no		M ^r Pierce	no

So the question was lost.

[Letter of Board of Treasury requesting resolves of Congress ¹]

BOARD OF TREASURY

July 12, 1787.

SIR: We request the favor of your Excellency to inform Congress that in the Settlement of the Accounts of the late Secret, and Commercial Committees, we find it necessary that this Board should be furnished with all the resolves relative to the transactions of those Committees which are in the Secret Journals of Congress.

We beg leave therefore to submit to the Consideration of that Honorable Body the Propriety of directing the Board to be furnished with a particular Abstract of them.

We have the Honor to be, etc.,

SAMUEL OSGOOD
ARTHUR LEE

His Excellency

THE PRESIDENT OF CONGRESS.

MONDAY, JULY 16, 1787.

Congress assembled present as before.

[Report of Secretary at War on message of Oneida Indians ²]

The Secretary of the United States for the department of war to whom was referred the Message of the Oneida indians

Reports

That the message was accompanied by Captain Hang'ery and the persons therein named amounting to seven in number.

That your Secretary has had several interviews with the said indians and pressed them to disclose the business with which they were charged. But that until this morning he has been unable to obtain the objects of their mission. The substance of which is as follows

¹ *Papers of the Continental Congress*, No. 140, II, p. 427, read July 14, 1787. Referred to the Secretary of Congress to take order. This reference is noted in the *Committee Book, Papers of the Continental Congress*, No. 190, p. 152.

² *Papers of the Continental Congress*, No. 151, pp. 271-274. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 152, the report was referred to the Secretary at War to take order. Thomson has copied the proposed reply to the Indians almost verbatim in the *Committee Book*. See July 12, 1787.

- 1st An introductory speech with five strings of wampum
- 2^d A belt and speech respecting a Superintendant which seems to be the principal part of their business and which is therefore herewith submitted
- 3^d A belt and speech respecting the surveys of lands to the North East of Fort Schuyler
- 4th A belt and Speech requesting a present of some powder
- 5th A belt and Speech requesting some paper

On the Message and visit of these indians your Secretary observes that they appear to be occasioned solely by the indian department not being organized. That the delays on this head have arisen probably by the non acceptance of some person to the place of Deputy Superintendant and the Superintendant having had the misfortune of breaking his leg.

Your Secretary is of opinion that it is the wisest mode to dismiss these people in a civil manner as soon as possible.

He has been under the necessity of accommodating them with Board and lodging for which he must pay.

With the approbation of Congress he will state to them "That Congress have already taken every measure to attend to the interests of the indians generally by the appointment of a Superintendant. That he or his agents will as soon as possible attend to their situation."

"That the appointment of a deputy is vested in the Superintendant therefore Congress cannot consistently with their regulation of the indian department appoint M^r Peter Schuyler or any other person to that office."

"That the lands to the North east of Fort Schuyler are not surveyed by the orders of Congress they having no right thereto as the said lands are within the state of New York.

That Congress in consideration of the attachment of the Oneidas to the United States during the late war order them a barrel of powder a quantity of lead and some paper."

On this subject your Secretary submits the following resolve

Resolved That the Secretary at War be authorized to defray the expences of the Oneida warriors now in the city of New York, answer their messages, make them a present of some powder, lead and paper, and return them immediately to their own country.

H KNOX

WAR OFFICE July 14, 1787.

[Letter of Secretary at War on artillery companies ¹]

WAR OFFICE July 14th 1787.

SIR: I have the honor to inform Congress that the two Companies of Artillery raised in Massachusetts arrived at Springfield the latter end of June. Although a detachment of them arrived the 1st of May so as to admit of the disbandment of the Connecticut quota on that day.

As these troops have been raised for a considerable period and have not received but one months pay the discontents and desertions among them have been exceedingly great, eighteen having deserted to the time of their arrival.

As I conceive one of these companies sufficient under present appearances at Springfield and as guards and protection to the Stores at West Point are much wanted I shall order one of the said companies to that Garrison unless Congress should please to direct to the contrary.

I have the honor to be, etc.,

H KNOX

The Honorable

THE CHAIRMAN OF CONGRESS.

[Letter of Postmaster General on carrying mails ²]

GENERAL POST OFFICE,

New York July 16th 1787.

SIR: As more than half the Duration of the Contract with the Proprietors of the Stages has elapsed, it is high Time to advertise for another, should it be thought adviseable to continue this Mode of transporting the public Mails; I beg, therefore, to be honored with the Commands of Congress upon this Subject; and have the honor to be, etc.,

EBEN HAZARD ³

¹ *Papers of the Continental Congress*, No. 150, II, pp. 413-414, read July 16, 1787.

² *Papers of the Continental Congress*, No. 61, p. 315, read July 16, 1787. According to indorsement and the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 152, the letter was referred to a committee consisting of Mr. Nathan Dane, Mr. Benjamin Hawkins and Mr. William Pierce, which reported July 23, 1787. Acted on July 26 and 27, 1787.

³ JULY 16, 1787. According to the *Committee Book*, *Papers of the Continental Congress*, No. 190, p. 152, the committee of July 11, on Virginia indents, was discharged and the delegates of Virginia were to be furnished with a copy of the report. See July 11, 1787.

TUESDAY, JULY 17, 1787.

Congress assembled. Present Massachusetts, New York New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina and Georgia.

Congress resumed the consideration of the report ¹ of the com^{ee} on the mem^l of Samuel Holden Parsons, and the following paragraph being under debate viz

The stipulated price to be not less than one dollar per acre for all the land contained in the tract excepting the reservations and gifts aforesaid payable in specie loan Office certificates reduced to specie value or certificates of liquidated debts of the United States, liable to reduction by an allowance for bad land and all incidental charges and circumstances whatever; provided that such allowance shall not exceed in the whole one third of a dollar per acre.

A motion was made by M^r [Nathan] Dane seconded by M^r [Richard Henry] Lee to amend by ~~inserting~~ after "United States" [adding] the words following viz

And in making payment the principal only of the said certificates shall be admitted, and the board of treasury for such interest as may be due on the certificates rendered in payment as aforesaid prior to Jan^y 1, 1786, shall issue indents for interest to the possessor which shall be receivable in payment as other indents for interest of the existing requisitions of Congress; And for such interest as may be due on the said certificates between that period and the period of payment the said board shall issue indents the payment of which ~~shall~~ [to] be provided for in future requisitions or otherwise.

A division being called for, On the question to agree to the first part "And in the making" &c to "requisitions of Congress" inclusive, the yeas and nays being required by M^r R[ichard] H[enry] Lee,

¹ See July 14 and 20, 1787.

<i>Massachusetts</i>			<i>Virginia</i>	
M ^r Holten	ay	}ay	M ^r Grayson	no
M ^r Dane	ay		M ^r Lee	ay
<i>New York</i>			M ^r Carrington	ay
M ^r Smith	ay	}ay	<i>North Carolina</i>	
M ^r Haring	ay		M ^r Blount	no
M ^r Yates	no		M ^r Hawkins	no
<i>New Jersey</i>			<i>South Carolina</i>	
M ^r Clarke	no	}divided	M ^r Kean	ay
M ^r Schurman	ay		M ^r Huger	ay
<i>Pensylvania</i>			<i>Georgia</i>	
M ^r S ^c Clair	ay	}ay	M ^r Few	ay
M ^r Irwing	ay		M ^r Pierce	ay
<i>Delaware</i>				
M ^r Kearny	ay	}ay		
M ^r Mitchell	ay			

So it was resolved in the affirmative.

The second part was agreed to without division.

[Report of Board of Treasury on memorial of Townsend, Underhill and Butler ¹]

The Board of Treasury to whom was referred a Memorial of Silvanus Townsend, Amos Underhill and John Butler,

Beg leave to Report,

That the Memorialists state, that in the Year One thousand seven hundred and seventy six, they supplied Daniel Gray, then a purchasing Commissary under the late Commissary General Trumbull, with a quantity of Flour for the Use of the United States.

That soon after that period, and before a Settlement could be made with the said Daniel Gray, the Evacuation of Long Island (at which place the Flour was delivered) took place, and that from a subsequent accident to the papers of the said Daniel Gray they are prevented from obtaining a Settlement of their Accounts, according to the rules for such purpose established.

On the above Memorial the Board beg leave to observe, that it appears from the Books of the Commissioner for Settling the Accounts

¹ *Papers of the Continental Congress*, No. 138, II, pp. 447-450, read July 17, 1787. Passed October 26, 1787. See April 18, 1787.

of the late Commissary Generals Department, that the said Daniel Gray stands charged with the Sum of £69,500. lawful Money of Connecticut received by him from the Commissary General from the Month of April 1776, to the Month of April 1777.

That he produces several Receipts, signed by William Hoskins and Richard Phillips, Assistants in the Commissary Generals Office, for Accounts and Vouchers delivered into the Office for examination in the Years 1777 and 1778; each receipt specifying the amount of the Account summed up by M^r Gray and amounting in the whole to £73,961:5:11. Connecticut Curr^t leaving a Balance of £4461:2/11. in his favor.

That it appears to this Board from a Report of the Commissioner for Settling the Accounts of the Commissary Generals Department, that the Accounts of M^r Gray cannot now be found amongst the papers of the late Commissary General Trumbull; so that it is not practicable to determine with absolute certainty, whether the flour, for which the Memorialists claims payment was included in the Sum abovementioned. The presumption however is strong that this was the case. The present Commissioner for Settling the Accounts of the Commissary Generals Department having declared to this Board, that he had seen in the possession of the said Daniel Gray, an account of several Articles of Provisions charged in the Accounts delivered into M^r Commissary General Trumbull's Office.

That this Account amounting to £1700 Connecticut Currency is said to be without Vouchers, though Sworn to by the said Daniel Gray; and that it contains a large quantity of Flour, although the Names of the Persons of whom the same is purchased is not specified.

Under the above circumstances the Board are of Opinion, that the Memorialists have an equitable Claim against the United States, and that the same ought to be paid on their making Oath to their Account; as in such cases usual; And that the amount so paid ought to be charged against the said Daniel Gray, who by his Certificate given to the Memorialists is properly accountable for the same. For this purpose they submit to the consideration of Congress, the following Resolve, viz

That the Commissioner for Settling the Accounts of the Commissary Generals Department, be authorised and directed to liquidate the Claim of Sylvanus Townsend, Amos Underhill and John Butler against the United States, for a quantity of Flour by them sold and delivered to Daniel Gray, late a purchasing Commissary in the Service

of the United States in the Year 1776, the Claimants attesting to the same in the manner in such cases usual; and to issue his Certificate for the same; And that the amount of the Sum so liquidated be charged to the said Daniel Gray.

All which is humbly Submitted

July 14th 1787.

SAMUEL OSGOOD

ARTHUR LEE¹

WEDNESDAY, JULY 18, 1787.

Congress assembled present as yesterday.

On a report² of the board of treasury to whom was referred a letter of the 6th from the Sec^y at War together with an Account of M^r Alexander Droomgoole for expences charged by him against the United States for accompanying certain Indians to Philadelphia.

That the said Alexander Dromgoole charges for the Expences of himself, and those of Seonetayah a Chief of the Cherokee Nation to the City of Philadelphia, whilst on their route to Congress, the Sum of One hundred and fifty seven Pounds, fourteen Shillings Pennsylvania Currency; and for the further expence on their return home Eighty five pounds, Ten Shillings like Money, making in the whole the Sum of Two hundred and forty two Pounds, four Shillings Pennsylvania Currency, equal to 645⁷⁸/₉₀^{ths} Dollars.

That on account of this Claim he received from the Public Stores by order of the Secretary at War sundry Articles, and in Cash to the amount of Two hundred and ninety eight Dollars.

The Board further Report, That exclusive of the above Sum there has been advanced to M^r John Woods, who lately accompanied two Chiefs of the Choctaw and Chickesaw Nations to Philadelphia on their route to Congress the Sum of Two hundred Dollars; one hundred of which has been advanced by the State of Virginia, and one hundred

¹ JULY 17, 1787. According to indorsement the following letter was read:

Letter of Samuel Huntington to President of Congress, June 14, 1787, enclosing a copy of the Act of Connecticut repealing laws repugnant to the treaty of peace with England. *Papers of the Continental Congress*, No. 66, II, pp. 360-362. The attested copy of the Act is on pp. 324-325.

² The original report, signed by Samuel Osgood and Arthur Lee, is in *Papers of the Continental Congress*, No. 139, pp. 539-542, with covering letter on p. 543. It was read and agreed to on July 18, 1787. See July 9, 1787.

by the State of Maryland; And that the State of Pennsylvania had agreed to provide the necessary means to enable them to return to their own Country by the way of Fort Pitt.

Exclusive of the above expences an Account has been exhibited to this Board of Articles furnished the above Indians and Conductors by order of the Secretary at War to the amount of £140:4/6 Pennys^a Currency, equal to 373³/₁₀ Doll^s

From the above statement it appears, that the expence attending the Visit of the Indians abovementioned, will not be less than Twelve hundred Dollars, including what will be probably Advanced by the State of Pennsylvania to defray their Travelling charges homewards. At a time when the Monies arising from the general Requisitions will scarcely support the expences of the Civil Government, it becomes in a peculiar manner the duty of this Board to inform Congress, that the various visits which have from time to time been made by Indians of different Tribes to the Seat of Congress, have already been attended with a very considerable and unnecessary expense; And that it will in all probability encrease, if Traders amongst the various Tribes may without any Authority, undertake to conduct Indians from time to time to the Seat of Congress under the pretence of Public Business.

However proper therefore it is in the present instance to authorise the expences which have attended the late visit from the Southern Indians (and which are probable less than they otherwise would have been, if the Secretary at War had not taken measures to induce them to return home without coming on to this City) the Board beg leave to suggest the propriety of adopting immediate measures for checking a source of expence which is so fertile of abuse; and for this purpose they recommend to the consideration of Congress the following Resolves, viz.

Resolved That Congress approve the measures
 taken by the Sec^y at war with respect to the
 Indian chiefs of the Cherokee Choctaw and Chickasaw tribes

by 9 states

on their late visit to the seat of Congress and that the expences attending the same be allowed.

^{d°} *Resolved* That all communications to the United States in Congress from the Indian tribes ought to be made through the Superintendants of Indian Affairs.

^{d°} *Resolved* That if any trader or other person shall without the Authority of the said Superintendants undertake to conduct any Indian or Indians to the seat of Congress, he shall be responsible for all expences which may attend the same; and further that where the person so acting as a conductor shall be a trader, his license to trade with the said Indians shall become forfeited and the same shall at no time thereafter be renewed.

^{d°} *Resolved* That the superintendants of Indian Affairs be instructed to make public the foregoing resolutions and to govern themselves accordingly.

¹ On a report ² from the Secretary for foreign Affairs to whom was referred a treaty ³ lately concluded with the Emperor of Morocco, Congress ratified the said treaty in the manner and form following.

The United States of America in Congress assembled to all who shall see these presents, Greeting

Whereas the United States of America in Congress assembled by their commission bearing date the twelfth day of

¹ From this point to the end of the treaty, the proceedings, excepting the text of the treaty, are also entered by John Fisher and attested by Charles Thomson, in the *Secret Journal Foreign, Papers of the Continental Congress*, No. 6, III, pp. 377-380. They are also entered by Thomson in *Secret Journal, Foreign Affairs, Papers of the Continental Congress*, No. 5, III, pp. 1616-1619.

² Read May 8, 1787. See April 12, 1787.

³ The original translation, certified by Thomas Barclay and ratified by John Adams and Thomas Jefferson, is in *Papers of the Continental Congress*, No. 91, pp. 215-229. A printed copy of the treaty, signed by Charles Thomson, is in *Papers of the Continental Congress*, Broad-sides. See Hunter Miller, *Treaties and other International Acts of the United States of America*, vol. II, pp. 186-218.

May one thousand seven hundred and eighty four thought proper to constitute John Adams, Benjamin Franklin and Thomas Jefferson their Ministers plenipotentiary giving to them or a majority of them full powers to confer treat and negotiate with the Ambassador, Minister or Commissioner of his Majesty the emperor of Morocco concerning a treaty of amity and commerce to make and receive propositions for such treaty and to conclude and sign the same transmitting it to the United States in Congress assembled for their final ratification; and by one other commission bearing date the eleventh day of March one thousand seven hundred and eighty five did further empower the said Ministers plenipotentiary or a majority of them by writing under their hands and seals to appoint such agent in the said business as they might think proper with authority under the directions and instructions of the said ministers to commence and prosecute the said negotiations and conferences for the said treaty, provided that the said treaty should be signed by the said Ministers; And whereas the said John Adams and Thomas Jefferson two of the said Ministers plenipotentiary (the said Benjamin Franklin being absent) by writing under the hand and seal of the said John Adams at London October the fifth one thousand seven hundred and eighty five and of the said Thomas Jefferson at Paris October the eleventh of the same year did appoint Thomas Barclay Agent in the business aforesaid giving him the powers therein which by the said second commission they were authorised to give and the said Thomas Barclay in pursuance thereof hath arranged Articles for a treaty of amity and commerce between the United States of America and his Majesty the Emperor of Morocco which Articles written in the Arabic language confirmed by his said Majesty the emperor of Morocco and sealed with his royal seal being translated into the language of the said

United States of America together with the attestations thereto annexed are in the following words, to wit,

“In the name of Almighty God

This is a treaty of peace and friendship established between Us and the United States of America which is confirmed and which we have ordered to be written in this book and sealed with our royal seal at our court of Morocco on the twenty fifth day of the blessed Month of Shaban, in the year one thousand two hundred trusting in God it will remain permanent.

1. We declare that both parties have agreed that this treaty consisting of twenty five Articles shall be inserted in this book and delivered to the honorable Thomas Barclay the agent of the United States now at our court, with whose approbation it has been made and who is duly authorised on their part to treat with us concerning all the matters contained therein.

2. If either of the parties shall be at war with any nation whatever, the other party shall not take a commission from the enemy nor fight under their colours.

3. If either of the parties shall be at war with any nation whatever and take a prize belonging to that nation and there shall be found on board subjects or effects belonging to either of the parties, the subjects shall be set at liberty and the effects returned to the Owners. And if any goods belonging to any nation with whom either of the parties shall be at war shall be loaded on vessels belonging to the other party, they shall pass free and unmolested without any attempt being made to take or detain them.

4. A signal or pass shall be given to all vessels belonging to both parties by which they are to be known when they meet at sea, and if the Commander of a ship of war of either party shall have other ships under his convoy the declaration of

the Commander shall alone be sufficient to exempt any of them from examination.

5. If either of the parties shall be at war and shall meet a vessel at sea belonging to the other it is agreed that if an examination is to be made, it shall be done by sending a boat with two or three men only and if any gun shall be fired and injury done without reason the offending party shall make good all damages.

6. If any Moor shall bring citizens of the United States or their effects to his Majesty, the citizens shall immediately be set at liberty and the effects restored and in like manner, if any Moor not a subject of these dominions shall make prize of any of the citizens of America or their effects and bring them into any of the ports of his Majesty they shall be immediately released as they will then be considered as under his Majesty's protection.

7. If any vessel of either party shall put into a port of the other and have occasion for provisions or other supplies they shall be furnished without any interruption or molestation.

8. If any vessel of the United States shall meet with a disaster at sea and put into one of our ports to repair she shall be at liberty to land and reload her cargo without paying any duty whatever.

9. If any vessel of the United States shall be cast¹ on shore on any part of our Coasts, she shall remain at the disposition of the owners, and no one shall attempt going near her without their approbation as she is then considered particularly under our protection; and if any Vessel of the United States shall be forced to put into our ports by stress of weather or otherwise, she shall not be compelled to land her Cargo, but shall remain in tranquility until the commander shall think proper to proceed on his Voyage.

¹ At this point John Fisher takes up the entry.

10. If any Vessel of either of the parties shall have an engagement with a Vessel belonging to any of the Christian powers within gun shot of the forts of the other, the Vessel so engaged shall be defended and protected as much as possible until she is in safety; and if any American Vessel shall be cast on shore on the coast of Wadnoon or any Coast thereabout, the people belonging to her shall be protected and assisted until by the help of God they shall be sent to their Country.

11. If we shall be at war with any christian power, and any of our Vessels sail from the ports of the United States, no Vessel belonging to the enemy shall follow, until twenty four hours after the departure of our Vessels, and the same regulation shall be observed towards the American Vessels sailing from our ports;—be their enemies Moors or Christians.

12. If any Ship of war belonging to the United States shall put into any of our ports, she shall not be examined on any pretence whatever, even though she should have fugitive slaves on board, nor shall the Governor or Commander of the place compel them to be brought on shore on any pretext, nor require any payment for them.

13. If a Ship of war of either party shall put into a port of the other, and Salute, it shall be returned from the Fort with an equal number of guns, not with more or less.

14. The Commerce with the United States shall be on the same footing as is the Commerce with Spain, or as that with the most favored Nation for the time being, and their Citizens shall be respected and esteemed, and have full liberty to pass and repass our Country and Sea ports whenever they please without interruption.

15. Merchants of both Countries shall employ only such interpreters, and such other persons to assist them in their business as they shall think proper. No commander of a

Vessel shall transport his Cargo on board another Vessel, he shall not be detained in port longer than he may think proper, and all persons employed in loading and unloading goods or in any other labor whatever shall be paid at the customary rates, not more and not less.

16. In case of a war between the parties, the prisoners are not to be made slaves, but to be exchanged one for another, Captain for Captain, Officer for Officer and one private man for another; and if there shall prove a deficiency on either side it shall be made up by the payment of one hundred Mexican dollars for each person wanting; And it is agreed that all prisoners shall be exchanged in twelve months from the time of their being taken, and that this exchange may be effected by a merchant, or any other person authorized by either of the parties.

17. Merchants shall not be compelled to buy or sell any kind of goods, but such as they shall think proper, and may buy and sell all sorts of merchandize but such as are prohibited to the other Christian Nations.

18. All goods shall be weighed and examined before they are sent on board, and to avoid all detention of Vessels no examination shall afterwards be made, unless it shall first be proved, that contraband goods have been sent on board, in which case the persons who took the contraband goods on board shall be punished according to the usage and custom of the Country, and no other person whatever shall be injured, nor shall the ship or cargo incur any penalty or damage whatever.

19. No Vessel shall be detained in port on any pretence whatever, nor be obliged to take on board any Article without the consent of the commander who shall be at full liberty to agree for the freight of any goods he takes on board.

20. If any of the Citizens of the United States or any persons under their protection shall have any disputes with

each other, the Consul shall decide between the parties and whenever the consul shall require any aid or assistance from our government to enforce his decisions it shall be immediately granted to him.

21. If a Citizen of the United States should kill or wound a Moor or on the contrary if a Moor shall kill or wound a Citizen of the United States, the law of the Country shall take place, and equal justice shall be rendered, the Consul assisting at the trial, and if any delinquent shall make his escape, the consul shall not be answerable for him in any manner whatever.

22. If an American Citizen shall die in our Country and no Will shall appear, the Consul shall take possession of his Effects, and if there shall be no consul, the Effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, but if the Heir to the person deceased be present, the property shall be delivered to him without interruption; and if a will shall appear, the property shall descend agreeable to that will as soon as the Consul shall declare the Validity thereof.

23. The Consuls of the United States of America shall reside in any sea port of our Dominions that they shall think proper; and they shall be respected and enjoy all the privileges which the Consuls of any other Nation enjoy, and if any of the Citizens of the United States shall contract any Debts or engagements, the Consul shall not be in any manner accountable for them, unless he shall have given a promise in writing, for the payment or fulfilling thereof, without which promise in writing no application to him for any redress shall be made.

24. If any differences shall arise by either party infringing on any of the Articles of this treaty, peace and harmony shall remain notwithstanding in the fullest force, until a friendly

application shall be made for an arrangement, and until that application shall be rejected, no appeal shall be made to arms. And if a war shall break out between the parties, nine months shall be granted to all the Subjects of both parties to dispose of their effects and retire with their property. And it is further declared that whatever indulgences in trade or otherwise shall be granted to any of the Christian powers, the Citizens of the United States shall be equally entitled to them.

25. This Treaty shall continue in full force with the help of God for fifty years.

We have delivered this Book into the hands of the before-mentioned Thomas Barclay on the first day of the blessed month of Ramadan in the year one thousand two hundred.

I certify that the annexed is a true copy of the translation made by Isaac Cardoza Nunez, Interpreter at Morocco, of the Treaty between the Emperor of Morocco and the United States of America.

(Signed) THO^s BARCLAY

Additional Article

Grace to the only God.

I the under written, the servant of God, Taher Ben Abdelkack Tennish, do certify that his Imperial Majesty my master (whom God preserve) having concluded a treaty of peace and Commerce with the United States of America, has ordered me the better to compleat it, and in addition to the tenth Article of the treaty to declare "That if any vessel belonging to the United States shall be in any of the ports of His Majesty's dominions, or within gun shot of his forts, she shall be protected as much as possible and no Vessel whatever belonging either to Moorish or Christian powers with whom the United States may be at war shall be permitted to follow or engage her as we now deem the Citizens of America our good friends."

And in obedience to his Majesty's Command, I certify this declaration by putting my hand and seal to it, on the eighteenth day of Ramadan in the year one thousand two hundred.

(Signed)

The Servant of the King my master whom God preserve
TAHER BEN ABDELKACK TENNISH

¹ I do certify that the above is a true copy of the translation made at Morocco by Isaac Cordoza Nunez, interpreter of a declaration made and signed by Sidi Hage Taher Fennish in addition to the treaty between the Emperor of Morocco and the United States of America which declaration the said Taher Fennish made by the Express directions of his Majesty (signed) THOMAS BARCLAY." ²

And Whereas the said John Adams and Thomas Jefferson Ministers plenipotentiary aforesaid by writing under their respective hands and seals duly made and executed by the said John Adams on the 25th January 1787, and by the said Thomas Jefferson on the 1st day of January 1787, did approve and conclude the said Treaty and every Article and clause therein contained, reserving the same nevertheless to the United States in Congress Assembled for their final ratification. Now be it Known that we the said United States of America in Congress Assembled, have accepted, approved, ratified and confirmed, and by these presents do accept, approve, ratify, and confirm the said Treaty and every Article and clause thereof.

In testimony whereof we have caused our Seal to be hereunto affixed. Witness his Excellency Arthur S^t Clair our President, at the City of New-York, this 18th day of July in

¹ This paragraph is in the writing of Charles Thomson.

² The original ratification of Adams and Jefferson, which follows at this point, was not incorporated in the ratification by Congress.

the year of our Lord 1787, and in the twelfth year of our Sovereignty and Independence.

¹ *Ordered* That the Secretary for foreign Affairs prepare the draught of a letter to the Emperor of Morocco to accompany the ratification of the treaty with his Majesty.²

CHA^s THOMSON *Sec^y*

Ordered That the Secretary for foreign Affairs prepare the draught of a letter of thanks to his Catholic Majesty for his good Offices in promoting a treaty between the United States of America and the Emperor of Morocco.²

CHA^s THOMSON *Sec^y*

On a report ³ of the Secretary of the United States for the department of foreign Affairs to whom was referred a petition ⁴ from Hannah Stephens praying that her Husband be redeemed from Captivity at Algiers, and also a letter ⁵ from the Honorable T. Jefferson proposing that a certain order of priests be employed for such purposes.

Resolved That the Honorable T. Jefferson Esquire the minister of the United States at the Court of Versailles be, and he hereby is authorised to take such measures

¹ From this point to the end of the day the proceedings are entered by John Fisher and attested by Charles Thomson in *Secret Journal Foreign, Papers of the Continental Congress*, No. 6, pp. 380 and 376-377. The orders referring to the Moroccan treaty are also entered by Thomson in *Secret Journal, Foreign Affairs, Papers of the Continental Congress*, No. 5, p. 1619 and the proceedings regarding Hannah Stephens, by Benjamin Bankson, *ibid*, pp. 1612-1613 and on margin of p. 1618.

² These two orders are noted as referred to the Secretary for Foreign Affairs in the *Committee Book, Papers of the Continental Congress*, No. 190, p. 153. Report was rendered July 23, 1787.

³ See May 2, 1787.

⁴ See April 23, 1787.

⁵ Dated February 1, 1787. See April 18, 1787.

as he may deem most adviseable for redeeming the American Captives at Algiers, and at any expence not exceeding that which European Nations usually pay in like cases.

Resolved That the Board of Treasury be and they hereby are directed to provide ways and means for enabling M^r Jefferson to defray the said expences, either by remitting money from hence or by a Credit in Europe.

CHA^s THOMSON *Sec^y*

[Letter of Board of Treasury regarding loan officer ¹]

BOARD OF TREASURY

July 18th 1787.

SIR: We do ourselves the honor of submitting to the consideration of Congress, a Letter received by this Board from John Cochran Esq^r Loan Officer of the State of New York, dated the 14th Instant.

We are with the greatest respect etc.,

SAMUEL OSGOOD
ARTHUR LEE

His Excell^y

THE PRESIDENT OF CONGRESS

[Report of Secretary at War relative to Southern Indians ²]

The Secretary of the United States for the department of war to whom was referred the papers relative to the Southern indians

Reports

That the papers relative to the Creek and Cherokee nations of indians, state certain encroachments on the lands claimed by said indians.

¹ *Papers of the Continental Congress*, No. 140, I, p. 387, read July 18, 1787. The letter of Cochran to the Board of Treasury, July 14, 1787, read July 18, is in *Papers of the Continental Congress*, No. 78, VI, pp. 335-337. See July 20 and October 2, 1787.

² *Papers of the Continental Congress*, No. 151, pp. 275-282 read July 18, 1787. See July 21, 1787. According to *Reports of Committees, Papers of the Continental Congress*, No. 189, p. 25, this report was filed.

That the State of Georgia is involved in a serious dispute with the Creek nation, respecting certain lands on the river Oconnee. That the ill temper on this subject has risen to such an height, as to render it highly probable, that the said indians have commenced, or soon will commence hostilities on the frontiers of said State, unless some unexpected compromise should be effected.

That however important to the interests of humanity it may be, that expedients should be devised, to prevent the effusion of blood, yet circumstanced as the case is, an interference by the United States, seems to be attended with peculiar embarrassments. The power given by the Confederation, to the United States "of regulating the trade and managing all affairs with the indians not members of any of the states, provided that the legislative right of any state within its own limits be not infringed or violated" is perhaps, too inexplicit to be applied as a remedy in the present case. The Creeks are an independent tribe, and cannot with propriety be said to be members of the State of Georgia, yet the said State exercises legislative jurisdiction over the territory in dispute. Therefore as the claims of lands are the great source of difference and hostility between the Whites and Indians the before recited power, appears to be entirely unavailing, according to state constructions, in all cases within the jurisdiction of an individual state.

Indeed all effectual interference of the United States, seems excluded in any territorial disputes, between the independent indians, and inhabitants of North Carolina and Georgia, excepting by virtue of one or the other of the following principles.

1st Such an explanation by Congress, of the before mentioned part of the Confederation, as would enable the United States, to regulate the necessary boundaries for the independent tribes of indians, notwithstanding they might be comprehended within the limits of any State.

2^d An interference at the request of a state, authorizing the United States, to act as judges in any existing dispute, and to enforce their judgement on the parties.

3 Or a liberal cession of a part of the territory claimed by the states of Georgia and North Carolina, for the use of the United States, whereby they might be powerfully enabled to restrain the indians within due bounds.

Waving the discussion of the constitutional propriety of any other principle of interference, Your Secretary conceives, that the latter is

the only one, which would probably be acceded to by the said States. He therefore submits to Congress the consideration of their again pressing on the said States the several recommendations of Congress on the subject of ceding territory to the United States. And that the business might have the greatest possible weight, he further suggests the propriety of appointing commissioners to represent to the legislatures of said States, the necessity and importance of such cessions, for their individual interest and happiness, as well as for the interest and happiness, of the Union in general.

Should Congress think proper to adopt any mode as a basis of negotiation with Georgia, and North Carolina, an expedient might be devised, which perhaps would dissipate the cloud that seems impending over Georgia. Provided that the legislature of said State, should express their approbation of the proceedings of Congress on the subject, and pledge themselves to make a liberal cession to the United States as soon as the nature of the case would admit.

The Superintendant might be instructed to repair to the Creek nation, and to inform them that Congress were pursuing every constitutional method in their power, in order to adjust amicably, as soon as possible, the differences between the State of Georgia and the said Creeks. But that while the negotiations should be depending, that it would be the just expectations of Congress that they abstained from all acts of violence. That if however notwithstanding this intimation, they should commit hostilities on the frontiers of Georgia they may be assured that Congress will make the war that should ensue the common cause of the United States.

That the commissioners to be appointed as aforesaid represent forcibly to the legislature, of North Carolina that their repeal of their act of the 2^d of June 1784 ceding a certain portion of their western claims has involved the United States as a Sovereign nation in the deepest disgrace and humiliation. That the treaty¹ made by the Commissioners of the United States at Hopewell on the Keowee November 28, 1785 has been flagrantly violated by the usurpation of the lands assigned by the said treaty as the hunting grounds of the Cherokees.

That Congress have received strong complaints from the said indians on the Subject and requests for redress. That the Chickesaws and Choctaws have also expressed their uneasiness and apprehensions on the same subject, all of which tribes have sent some of their own

¹ *Journals*, vol. XXX, pp. 187-190.

chiefs to Congress. That the Creeks are about to commence hostility and that there is the greatest reason that a general hostile confederacy of the Southern indians will be speedily formed.

That Congress have already received indisputable evidence that a general confederacy has been formed of nearly all the indians to the Northward of the Ohio within the limits of the United States. That this is headed and directed by Joseph Brandt a man of great influence and reputed abilities.

That it is apparent from every representation that unless the United States do in reality possess the power "to manage all affairs with the independent tribes of indians" to observe and enforce all treaties made by the authority of the union that a general indian war may be expected.

That to avert a calamity so ruinous to the States which should be immediately involved therein as well as injurious to the United States in general, and also to produce the benefits pointed out by the acts ¹ of Congress of the 6th September 1780 Congress do solemnly request an immediate attention to the subject of the cessions.

That in case the state of North Carolina comply with the said recommendation Congress will take the most vigorous measures by the troops of the Union to carry into full effect the true intent and meaning of the treaty made at Hopewell on the Keowee November 28, 1785 and establish the boundary therein specified.

On the Subject of the papers respecting the Chickesaw and Choctaws Your Secretary is of opinion, that it is highly politic and proper that the treaty and the expectations of said indians of being supplied with goods by the citizens of the United States should be fully complied with.

That therefore the Superintendant of the Southern district be directed to report immediately the measures that have been taken to supply the Choctaws and Chickesaws with articles of merchandize.

Your Secretary is also of opinion that the United States would derive considerable strength in the minds and affections of the indians by complying with their requests for medals gorgets wrist and arm bands with the arms of the United States impressed or engraved thereon. The expence of the measure would not amount to a very large sum as all the tribes now possessing those which heretofore were presented by Great Britain are willing to deliver them up to the United

¹ *Journals*, vol. XVII, pp. 806-807.

States on their receiving others. On this point the following resolve is submitted,

That the Board of Treasury have completed immediately for the Southern and Northern tribes of indians, silver medals, gorgets, wrist and arm bands with the arms of the United States impressed or engrav'd thereon agreeably to the descriptions and numbers which shall be required by the Superintendants of the indian Affairs for the northern and southern districts.

All which is humbly submitted

WAR OFFICE July 18, 1787

H KNOX

[Letter of Secretary at War on Indian Affairs ¹]

WAR OFFICE July 18, 1787

SIR: I have the honor herewith to enclose to Congress, important communications from the Superintendant of Indian affairs for the Northern district.

I have the honor to be etc.,

His Excellency

H. KNOX ²

THE PRESIDENT OF CONGRESS

¹ *Papers of the Continental Congress*, No. 150, II, p. 389, read July 18, 1787. The five enclosures are copies: no. 1, letter of Richard Butler to Knox, July 6, 1787, pp. 369-371; no. 2, speech of the United Indians, December 18, 1786, pp. 381-387; no. 3, Joseph Brandt to Knox, December 18, 1786, p. 401; no. 4, Joseph Brandt to Butler, May 16, 1787, pp. 397-398; and no. 5, address of Captain Pike and Half King to Congress, p. 393.

According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 153, these papers were referred to the Secretary at War to report. Report rendered July 21, 1787. See July 31, 1787.

² JULY 18, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 153, the following committees were appointed:

Mr. Nathan Dane, Mr. Benjamin Hawkins, Mr. Melaucon Smith, Mr. John Kean and Mr. Edward Carrington on the report of the Secretary at War on Indian hostilities. Report rendered July 19. See July 11 and 21, 1787.

Mr. John Kean, Mr. Richard Henry Lee and Mr. Nathan Dane on the report of the Secretary for Foreign Affairs on instructions to Mr. Adams. Report rendered July 19. See April 23, 1787.

According to indorsement the following were read:

Petition of Andrew McFarlan, regarding payment for supplies furnished the Indians. *Papers of the Continental Congress*, No. 42, V, pp. 399-400. Filed July 20, 1787. See petition read April 19, 1787.

Petition of various persons of Montgomery County, New York, for the appointment of Peter Schuyler as superintendent of Indian Affairs for New York. *Papers of the Continental Congress*, No. 42, VII, pp. 291-293. Filed July 20, 1787.

¹ THURSDAY, JULY 19, 1787.

Congress assembled. Present as before.

The com^{ee}² consisting of M^r [Nathan] Dane M^r [Benjamin] Hawkins M^r [Melancton] Smith, M^r [John] Kean and M^r [Edward] Carrington to whom was referred a report ³ of the Secretary at War relative to incursions and depredations on the frontiers of Virginia by the Wabash Indians the Shawanese and other hostile tribes having reported ⁴ "That the superintendant of Indian affairs for the northern department and in case he be unable to attend then col Josiah Harmar immediately proceed to post S^t Vincents or some other place more convenient in his opinion for holding a treaty with those indians, inform that Congress is sincerely disposed to promote peace and friendship between their citizens and the

¹ Charles Thomson takes up the entry.

² Appointed July 18, 1787.

³ See July 11, 1787.

⁴ The original report, in the writing of Nathan Dane, is in *Papers of the Continental Congress*, No. 27, pp. 329-332. It is indorsed as acted on July 21, 1787. The introduction to the report is as follows:—

"The Committee consisting of [Mr. Nathan] Dane M^r [Benjamin] Hawkins, M^r [Melancton] Smith M^r [John] Kean and M^r [Edward] Carrington to whom was referred the report of the Secretary at war relative to the Incursions and depredations made on the frontiers of Virginia, by the Wabash Indians, the Shawanese and other hostile tribes report, that the repeated hostilities committed by those Indians and the frontier settlers of Virginia during the last and present year; the animosities subsisting between them, the effects of mutual Injuries, and which must be followed by the calamities of a General Indian war unless their further progress be prevented, demand, in the Opinion of the Committee, the immediate attention of Congress, that it is become indispensably necessary for the Government of the United States to make Strict inquiry into the Causes of those hostilities to punish the aggressors, and to ~~prevent~~ adopt effectual measures to prevent the repetition of the evils and wrongs complained of. Wherefore they submit the following resolves,"

Also at the end of the report there is the following paragraph which is not entered in the Journal:

"Resolved that the ~~person~~ ~~who~~ said Superintendent ~~of~~ or the said Col^o Harmar whichever of them shall negotiate the said treaty be authorised to make proper presents to the said Indians on their agreeing to the same not exceeding the value of Dollars." According to *Reports of Committees, Papers of the Continental Congress*, No. 189, p. 25, this report was filed.

Indians and has determined to pursue effectual measures for punishing with strict justice and impartiality the aggressors on either side.

A motion was made by M^r [Melancton] Smith seconded by M^r [Abraham] Yates to strike out the words “has determined to pursue effectual measures for punishing with strict justice and impartiality the aggressors on either side” and on the question shall those words stand the yeas and nays being required by M^r [William] Grayson

<i>Massachusetts</i>			<i>Virginia</i>	
M ^r Holten	ay	}ay	M ^r Grayson	ay
M ^r Dane	ay		M ^r Lee	no
<i>New York</i>			M ^r Carrington	ay
M ^r Smith	no	}no	<i>North Carolina</i>	
M ^r Haring	no		M ^r Blount	no
M ^r Yates	no		M ^r Hawkins	no
<i>New Jersey</i>			<i>South Carolina</i>	
M ^r Clarke	ay	}ay	M ^r Kean	no
M ^r Schurman	ay		M ^r Huger	ay
<i>Pensylvania</i>			<i>Georgia</i>	
M ^r S ^t Clair	no	}no	M ^r Few	ay
M ^r Irwine	no		M ^r Pierce	ay
M ^r Bingham	no			
<i>Delaware</i>				
M ^r Kearny	ay	}ay		
M ^r Mitchell	ay			

So the question was lost and the words were struck out.

The report being further amended to read as follows

“That the Superintendant of Indian affairs for the Northern department and in case he be unable to attend then col Josiah Harmar immediately proceed to post S^t Vincents or some other place more convenient in his Opinion for holding a treaty with those Indians, inform, that Congress is sincerely disposed to promote peace and friendship between their citizens and the Indians and that to this end he is sent to invite them in a friendly manner to a treaty with the United

States to hear their complaints to know the truth and the cause of their quarrels with those frontier settlers and having invited those Indians to the treaty he shall make strict enquiry into the causes of their uneasiness and hostile proceedings and form a treaty of peace with them if it can be done on terms consistent with the honor and dignity of the United States.¹

That the Secretary at War place the troops of the United States in such positions as shall afford the most effectual protection to the frontier inhabitants of Pennsylvania and Virginia from the incursions and depredations of the Indians, for preventing intrusions on the federal lands and promoting a favourable issue to the intended treaty.²

That the executive of Virginia be requested to give orders to the militia in the district of Kentucky to hold themselves in readiness to unite with the federal troops in such Operations as the Officer commanding them may judge necessary for the protection of the frontiers; and that on the application of the commanding Officer of the federal troops the said executive be requested to give orders that a part of the said militia not exceeding one thousand be embodied and take such positions as the said officer shall direct for acting in conjunction with the federal troops in protecting and defending the frontier inhabitants and in making such expeditions against the Indians in case they continue hostile as Congress shall order and direct. And in case the militia shall be called into the actual service of the United States for the defence of the said frontier inhabitants or the purposes of such expeditions, their pay and rations while so employed shall be the same as the pay and rations of the regular troops, and the expenses thereof shall be borne by the Union. That the State of

¹ This paragraph is the same as the original report except for the clause struck out above.

² The second half of this paragraph of the original report, here omitted, is included in the passage on July 21.

Virginia shall pay and support their militia and be allowed therefor in the requisition of the current year provided the price of the ration shall not exceed the allowance made for the ration to the federal troops and provided that no charges for the said service shall be valid unless supported by actual musters of the said militia made by the inspector or by a field Officer of the troops of the United States agreeable to the Orders of the commanding Officer.¹

And to prevent wanton Attacks upon the Indians by lawless men which so essentially tend to destroy all peace and friendship with the indian Nations and to expose to their merciless revenge not only the few guilty but all the innocent and industrious inhabitants of the frontiers, that no person shall be allowed to pass within the jurisdiction and territory of the United States north west of the river Ohio without a permit from the said Superintendent, the Commander of the troops, the geographer of the United States or the command-

¹ This paragraph reads as follows in the original report:

“Resolved that the executive of Virginia be requested to give orders to the militia in the District of Kentucky to hold themselves in readiness to unite with the federal troops, in such operations as the Officers commanding them may Judge necessary for the protection of the Frontiers, and that the executive of pennsylvania be requested to give like orders to the militia in the frontier Counties of that State; and that on the application of the Commanding officer of the federal troops the [s^d] executives of pennsylvania and of Virginia, respectively, be requested to give orders that a part of the said militia not exceeding 700 in Virginia and 500 in pennsylvania, [1000] be embodied and take such positions as the said officer shall direct for acting in conjunction with the federal troops in protecting and defending the frontier Inhabitants and in making such expeditions against the Indians in Case they continue hostile as Congress shall hereafter order and direct.

“And in Case the militia shall be called into the actual Service of the United States, for the defence of the said frontier Inhabitants, or the purposes of such expeditions their pay and rations, while so employed, shall be the same as the pay and rations of the Regular troops and the amount [expences] thereof shall be allowed borne by the Union, that the States of pennsylvania and Virginia shall pay and support their respective militia and be allowed therefor in the requisition of the current year [and] provided however that no charges for the said service shall be valid, unless supported by Actual musters of the said militia made by the Inspector or by a field Officer of the troops of the United States Agreeable to the orders of the Commanding Officer.”

ing officer of a separate post; And any person unlawfully passing in the same without such permit or who shall therein murder any indian or injure him in his person or property shall be arrested by the Officers commanding the troops and tried and punished in all cases prior to the establishment of civil law in the said territory for the prevention of offences, by law martial in the same manner as the regular soldiers are tried and punished for the like offences."¹

A motion was made by M^r [William] Irwine seconded by M^r [Abraham] Yates that the further consideration of the report be postponed. And on the question to postpone the yeas and nays being required by M^r [William] Irwine

<i>Massachusetts</i>		<i>Virginia</i>	
M ^r Holten	no	M ^r Grayson	no
M ^r Dane	no	M ^r Carrington	no
	}no		}no
<i>New York</i>		<i>North Carolina</i>	
M ^r Smith	no	M ^r Blount	no
M ^r Haring	ay	M ^r Hawkins	no
M ^r Yates	ay		}no
	}ay	<i>South Carolina</i>	
<i>New Jersey</i>		M ^r Kean	no
M ^r Clarke	no	M ^r Huger	no
M ^r Schurman	no		}no
	}no	<i>Georgia</i>	
<i>Pennsylvania</i>		M ^r Few	no
M ^r S ^t Clair	ay	M ^r Pierce	no
M ^r Irwine	ay		}no
M ^r Bingham	no		
	}ay		
<i>Delaware</i>			
M ^r Kearny	no		
M ^r Mitchell	no		
	}no		

So it passed in the negative.

A motion was then made by M^r [Nathan] Dane seconded by M^r [Samuel] Holten to amend the report further by strik-

¹ This paragraph is the same as the original report. According to indorsement and the *Committee Book, Papers of the Continental Congress*, No. 190, p. 153, it was referred to a committee consisting of Mr. Nathan Dane, Mr. William Grayson and Mr. Abraham Clark. Report rendered July 26, 1787.

ing out the sentence "And in case the militia shall be called into actual service &c to federal troops inclusive and in lieu thereof inserting

And the militia which shall be called into the actual service of the United States for the defence of the said frontier inhabitants or the purposes of such expeditions shall be paid supported and equipped by the state, and the state shall be credited in the requisition of the current year the amount of their pay and rations only, computed on the federal establishment. And on the question to agree to this Amendment the yeas and nays being required by M^r [Nathan] Dane

<i>Massachusetts</i>		<i>Virginia</i>	
M ^r Holten	ay	M ^r Grayson	no
M ^r Dane	ay	M ^r Carrington	ay
<i>New York</i>		<i>North Carolina</i>	
M ^r Smith	ay	M ^r Blount	no
M ^r Yates	ay	M ^r Hawkins	ay
<i>New Jersey</i>		<i>South Carolina</i>	
M ^r Clarke	ay	M ^r Kean	ay
M ^r Schurman	ay	M ^r Huger	ay
<i>Pennsylvania</i>		<i>Georgia</i>	
M ^r S ^t Clair	ay	M ^r Few	no
M ^r Irwine	ay	M ^r Pierce	ay
M ^r Bingham	ay		
<i>Delaware</i>			
M ^r Kearny	ay		
M ^r Mitchell	ay		

So the question was lost.¹

¹ JULY 19, 1787. According to indorsement the following were read:

Report of the Committee of July 18 on the instruction to Mr. Adams. *Papers of the Continental Congress*, No. 25, II, pp. 473-475. It was passed July 20, where it is entered in the *Secret Journal*. See April 23, 1787.

Petition of John Armstrong *et al*, trustees of Dickinson College, July 7, 1787, requesting Congress to rent or sell to them part of the public buildings at Carlisle, Pennsylvania. *Papers of the Continental Congress*, No. 42, VII, p. 489. Acted on October 17, 1787. See July 20 and 23, 1787.

FRIDAY, JULY 20, 1787

Congress assembled present as before.

Congress resumed the consideration of the report under debate yesterday and a motion was again made by M^r [Nathan] Dane which was seconded by M^r [Edward] Carrington to amend it by striking the words "and in case the militia shall be called &c to federal troops inclusive, and inserting the words proposed yesterday and on the question to agree to this Amendment the yeas and nays being required by M^r [William] Grayson

<i>Massachusetts</i>			<i>Virginia</i>	
M ^r Holten	ay	}ay	M ^r Grayson	no
M ^r Dane	ay		M ^r Lee	ay
<i>New York</i>			M ^r Carrington	ay
M ^r Smith	ay	}ay	<i>North Carolina</i>	
M ^r Haring	ay		M ^r Blout	ay
M ^r Yates	ay		M ^r Hawkins	ay
<i>New Jersey</i>			<i>South Carolina</i>	
M ^r Clarke	ay	}ay	M ^r Kean	ay
M ^r Schurman	ay		M ^r Huger	ay
<i>Pennsylvania</i>			<i>Georgia</i>	
M ^r S ^t Clair	ay	}ay	M ^r Few	ay
M ^r Irwine	ay		M ^r Pierce	ay
<i>Delaware</i>				
M ^r Kearny	ay	}ay		
M ^r Mitchell	ay			

So it was resolved in the Affirmative.

Other amendments being made in the report

On motion of M^r [William] Irwine seconded by M^r [Melancton] Smith

Ordered That the further consideration of the report be postponed till to Morrow.

Congress then resumed the consideration of the report¹ on the Memorial² of Sam^l Holden Parsons and a motion

¹ See July 10, 1787. Also July 14, 17, and 23, 1787.

² See May 9, 1787.

was made by M^r [William] Pierce seconded by M^r [Samuel] Holten to amend the said report by adding the following clause "The purchaser or purchasers to be at liberty for the term of two years from the closing of this contract to extend their purchase upon the same terms within a line to be extended due North from the conflux of the branches of the Siota at a place called Townlick, and the continuation of the west boundary of the seventh range of townships as far as the east and west line of the northern boundary of the said range of townships, provided that there shall never be left any interstice and that the northern boundary shall always be a due east and west line."

And on the question to agree to this Amendment the yeas and nays being required by M^r [William] Pierce

<i>Massachusetts</i>			<i>Virginia</i>	
M ^r Holten	ay	}ay	M ^r Grayson	ay
M ^r Dane	ay		M ^r R H Lee	ay
<i>New York</i>			M ^r Carrington	ay
M ^r Smith	no	}no	<i>North Carolina</i>	
M ^r Haring	no		M ^r Blount	ay
M ^r Yates	no		M ^r Hawkins	ay
<i>New Jersey</i>			<i>South Carolina</i>	
M ^r Clarke	no	}no	M ^r Kean	no
M ^r Schurman	no		M ^r Huger	ay
<i>Pensylvania</i>			<i>Georgia</i>	
M ^r S ^t Clair	no	}no	M ^r Few	no
M ^r Irwine	no		M ^r Pierce	ay
<i>Delaware</i>				
M ^r Kearny	no	}d		
M ^r Mitchell	ay			

So the question was lost.

¹ On the report² of a Committee to whom was referred a report³ of the Secretary for foreign Affairs of the 23^d of April last respecting instructions to the minister of the United States at the Court of London,

Resolved That the minister of the United States at the Court of Great Britain, be and he is hereby instructed to inform his Britannic Majesty that Congress have taken measures for removing all cause of complaint relative to the infraction of the 4th and 6th Article of the treaty of peace, and that he communicate to his Majesty their resolutions of the 21st March last together with their circular letter to the States, of the 13th day of April.

Resolved That the said Minister be and he hereby is authorised and directed in the name and behalf of the United States to propose and conclude a Convention with his Britannic Majesty whereby it shall be agreed that the value of slaves or other American property carried away contrary to the 7th Article of the Treaty of peace be estimated by Commissioners;⁴ and that he also endeavor to obtain an Article to fix the true construction of the declaration for ceasing hostilities, and to

¹ From this point to the end of the day the proceedings are entered by John Fisher and attested by Charles Thomson in *Secret Journal Foreign, Papers of the Continental Congress*, No. 6, III, pp. 380-383. The vote in this entry is by states only. The proceedings are also entered by Thomson in *Secret Journal, Foreign Affairs, Papers of the Continental Congress*, No. 5, III, pp. 1613-1616.

² See July 18 and 19, 1787.

³ See April 23, 1787.

⁴ At this point the following was struck out from the original report: "and paid for and that the s^d Payment together with a surrender of all the Posts and places now held by his Majesty within the limits of the U S shall be made within months after the several States shall have passed an act [or Acts] in conformity to the resolutions beforementioned, which months shall be computed from the time that formal notice shall be given his Majesty that all the States have passed an act [or Acts] as above mentioned." *Papers of the Continental Congress*, No. 25, II, p. 474. See the motions below.

stipulate that compensation be made for all Captures contrary to it.

Resolved That the said minister be and he hereby is further instructed to assure his Majesty that it will always give pleasure to Congress fairly to discuss and accommodate every difference or complaint that may arise relative to the construction or to the performance of the Treaty. That they are determined to execute it with good faith. And that as this is the only instance in which any complaints have come regularly before them they flatter themselves that the readiness with which they have taken measures to remove these complaints will create in him a full confidence in the purity of their intentions, and that he assure his Majesty that they fully repose and confide in his assurances "that whenever America shall manifest a real determination to fulfil her part of the treaty Great Britain will not hesitate to co-operate in whatever points depend upon her for carrying every Article into real and compleat effect."

CHA^s THOMSON *Sec*"

In debating the foregoing Resolutions a motion was made by M^r [Melancton] Smith seconded by M^r [William] Grayson to amend the second resolution by adding thereto as follows (after the word Commissioners)

"And that the payment for the same together with a surrender of all the posts and places now held by his Majesty within the limits of the United States shall be made within a certain reasonable time after the several States shall have passed an Act or Acts in conformity to the resolutions before mentioned, and formal Notice shall be given his Majesty that all the States have passed an Act or Acts as above mentioned."

A motion was made by M^r [Nathan] Dane seconded by M^r [Edward] Carrington to amend the amendment by striking out the words "together with a surrender of all the posts and places now held by his Majesty within the limits of the United States" and on the question shall those words stand? the yeas and nays¹ being required by M^r [Melancton] Smith

<i>Massachusetts</i>			<i>Virginia</i>	
M ^r Holten	no	}no	M ^r Grayson	ay
M ^r Dane	no		M ^r R H Lee	ay
<i>New York</i>			M ^r Carrington	no
M ^r Smith	ay	}no	<i>North Carolina</i>	
M ^r Haring	no		M ^r Blount	no
M ^r Yates	no		M ^r Hawkins	no
<i>New Jersey</i>			<i>South Carolina</i>	
M ^r Clarke	no	}no	M ^r Kean	no
M ^r Schurman	no		M ^r Huger	no
<i>Pensylv^a</i>			<i>Georgia</i>	
M ^r S ^t Clair	no	}no	M ^r Few	no
M ^r Irwine	no		M ^r Pierce	no
<i>Delaware</i>				
M ^r Kearny	no	}no		
M ^r Mitchell	no			

So it passed in the Negative, and the words were struck out, and the question to agree to the amendment as amended was Negatived.

CHA^s THOMSON *Sec^y*

[Report of Secretary of Congress on sundry petitions ²]

OFFICE OF SECRETARY OF CONGRESS

July 20, 1787

On the petition and memorial of a com^{ee} of the board of trustees of Dickinson college stating that the board are desirous of renting or purchasing a part of the public buildings near Carlisle and praying

¹ The record of this vote is from *Papers of the Continental Congress*, No. 5, III, pp. 1615-1616.

² *Reports of Secretary of Congress, Papers of the Continental Congress*, No. 180, pp. 57-59.

that Congress will take some measure in this business and appoint some proper person to contract with them for the rent or sale of a part of the said buildings,

The Sec^y of Congress reports

That the petition¹ of the Com^{ee} of the board of trustees of Dickinson college be referred to the Com^{ee} appointed on the 21 [28] March last and to whom was referred a Motion ² respecting the sale of the said buildings.

On the petition of Andrew M^cFarlan ³ of Schenectady, that a balance which remains due to him may be paid

The Sec^y of Congress reports that a similar petition from the said A M^c Farlan having been presented to Congress was referred to the board of treasury, who have reported their opinion and reasons that the prayer of the petition should not be granted. This report being still before Congress

The Sec^y reports

That the present petition of Andrew M^cFarlan be filed.

On the petition of the field Officers of the regiments of Militia and other freeholders ⁴ of the frontier settlements in the County of Montgomery and State of New York

Stating that they are informed that great dissatisfaction prevails at present among the Indians of the six Nations and some of their Neighbours by reason of the non appointment of a Superintendent of Indian Affairs for the said State of New York as formerly and praying M^r Peter Schuyler may be appointed Superintendent of Indian Affairs

The Secretary of Congress reports that on the 16 The United States in Congress assembled have been pleased to empower the Sec^y at War to inform the Indian messengers "That the appointment of a deputy in the northern department being vested in the Superintend^t whom they have already appointed Congress cannot consistently

¹ According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 154, the petition, as well as the motion mentioned, was referred to a committee consisting of Mr. Edward Carrington, Mr. William Few, Mr. William Bingham, Mr. Abraham Clark and Mr. William Irvine. This was a renewal of the committee of March 28. Report rendered July 23 and acted on October 17, 1787. See July 19, 1787.

² See March 28, 1787.

³ See July 18 and April 19, 1787.

⁴ See July 18, 1787.

with their Ordinance for the regulation of the Indian department appoint M^r P Schuyler or any other person to that Office. The Sec^y therefore farther reports That the petition of the field Officers &c in the County of Montgomery and state of New York be filed.

On the letter¹ of 14 July from J. Cochran Com^r of the Cont. loan Office for the State of N York to the board of treasury, stating the multiplicity of business in that Office and requesting that he may be allowed sufficient assistance to discharge the duties of his Office with that dispatch and regularity which is necessary to give satisfaction to the public

The Secretary of Congress reports

That the letter of 14 from J. Cochran to the board of treasury be referred² to the board of treasury to report.

On the Representation and Memorial of John Macpherson,³ stating that he flatters himself that he has discovered a concise, plain and easily practicable mode of ascertaining the Longitude from the operations and influences of the Magnet or loadstone in our earth; that he wishes to submit to the attention of Congress the result of his Observations and reflections for more than 30 years and ~~praying and~~ expressing a hope of being indulged with an Opportunity in person of giving any farther satisfaction on this subject as may be requisite as he is anxious to make the first public communication of this American discovery to the Congress of the United States of America before he proceeds to lay it before his Most C M^y and other Maritime powers of Europe

The Sec^y of Congress reports

That the Representation and memorial of John Macpherson be referred to a com^{ee}

¹ See July 18, 1787.

² According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 154, the petition was referred to the Board of Treasury to report. Report rendered July 31, 1787. See October 2, 1787.

³ *Papers of the Continental Congress*, No. 41, VI, pp. 490-491, dated July 17, 1787, with parts of a lecture on natural philosophy on pp. 494-495. It is not indorsed as read but was received on July 18, 1787.

[Letter of Board of Treasury respecting prize money.¹]

BOARD OF TREASURY

July 19th 1787.

SIR: We do ourselves the honor of submitting to the consideration of Congress, a Report to this Board from the Commissioner of Accounts for the Marine Department, on the subject of the Prize Money due to the Crews of the *Bonhomme Richard* and *Alliance*, received by Captain Paul Jones from the Government of France; also copies of the Bond to the late Superintendant of Finance, executed by Capⁿ Jones in pursuance of the Resolve ² of Congress of the 1st November 1783, authorising that Officer to claim and receive the Prize money abovementioned, and of M^r Jeffersons Letter of the 12th of August 1786.

From this Report Congress will observe, that it is not practicable to make a division of what has been received agreeably to the Act ³ of Congress of the 7th June 1786, 'till Congress have determined on two points which are suggested by the Commissioner.

The first is, Whether the division made by Captain Jones of the Prize Money (which the Commissioner suggests is contrary to the Ordinances of Congress and encreases Captain Jones' proportion) shall stand.

The second is, Whether the Sum charged by Captain Jones for his expences, which exceeds by Liv^s 38325:—^s:8^d the amount of Commissions to which Captain Jones is entitled by the Resolve of Congress of the 1st November 1783, shall be admitted.

Should Congress judge proper to admit both these points, it becomes our duty to suggest, that a question may arise, how far the Claimants will consider themselves bound to abide by such Allowance, in diminution of what they conceive themselves entitled to by the Acts of Congress relative to this object.

The Sum received from the Court of France falls so short of what the Claimants expected, that there is every reason to apprehend, a

¹ *Papers of the Continental Congress*, No. 140, II, pp. 435–437. The enclosures, copies of the report of the Commissioner of Marine Accounts to the Board of Treasury, July 5, 1787, and the bond of J. P. Jones, are in *Papers of the Continental Congress*, No. 138, I, pp. 715–720. The report was referred with Jones' letter. See note 2, p. 384.

² *Journals*, vol. XXV, pp. 787–788.

³ *Journals*, vol. XXX, p. 333.

diminution of near 25 per Cent, on the trifle which has been received, may be thought too great a sacrifice on the part of the Captors.

The correspondence which past betwixt Captain Jones and the Ministers of His Most Christian Majesty, and other documents relative to this object, are so voluminous, that we should not have time to furnish Congress with copies of them, previous to the probable return of Captain Jones to Europe. The whole of it, properly arranged, is entered in a book which is deposited in the Office of the Commissioner of Accounts for the Marine Department, where access can be had to it, by any Committee, which Congress may judge proper to appoint.

We are with the greatest respect, etc.,

SAMUEL OSGOOD
ARTHUR LEE

His Excell^y
THE PRESIDENT OF CONGRESS

[Letter of Secretary for Foreign Affairs transmitting letters¹]

OFFICE FOR FOREIGN AFFAIRS,
19th July 1787

SIR: I have the Honor of transmitting to your Excellency herewith enclosed a Letter² of the 18 Instant which I rec^d from Chevalier Jones, together with the Papers referred to in it, and am with great Respect, etc.,

JOHN JAY.

His Excellency
THE PRESIDENT OF CONGRESS.

¹ *Papers of the Continental Congress*, No. 80, III, p. 277, read July 20, 1787.

² *Papers of the Continental Congress*, No. 168, II, pp. 351-354, with seven enclosures (copies, some in French with English translations) on pp. 363-385. The letter deals with his negotiations in collection of prize money due the officers and crew of the Bonhomme Richard and the Alliance. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 154, this letter and the papers accompanying it, so far as they relate to prize money, together with a report of the Commissioner of Marine Accounts, on the same subject, were referred to the Board of Treasury to report. See September 29, 1787.

UNIVERSITY OF CALIFORNIA LIBRARY, LOS ANGELES

COLLEGE LIBRARY

This book is due on the last date stamped below.

--	--	--

Book Slip-35m-9,'62(D2218s4)4280

University of California, Los Angeles



L 005 440 962 8

J
10
A5
v.3

UC SOUTHERN REGIONAL LIBRARY FACILITY



D 000 619 296 7

