LIBRARY OF CONGRESS

# JOURNALS OF THE CONTINENTAL CONGRESS

## 1774–1789

EDITED FROM THE ORIGINAL RECORDS IN THE LIBRARY OF CONGRESS BY GAILLARD HUNT, CHIEF, DIVISION OF MANUSCRIPTS

## Volume XXI. 1781

July 23–December 31

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

MONDAY, JULY 23, 1781

Mr. Elias Boudinot, a delegate for the State of New Jersey, attended and produced the credentials of his appointment, which are in the words following:

STATE OF NEW JERSEY *July 12th 1781*

The Council and Assembly in Joint Meeting at Princeton proceeded to the Election of two Delegates to Represent this State in Congress, in the room of William Patterson Esquire, who declined taking his Seat, and of William Burnett Esquire, whose Seat has become vacated, and the votes being taken the honorable Elias Boudinot and Jonathan Elmer Esquires were duly elected.

*Resolved* therefore

That the said Elias Boudinot and Jonathan Elmer Esquires be impowered in addition to the honorable John Witherspoon, Abraham Clark and William Churchill Houston Esqrs to represent and vote in behalf of this State in the Congress of the United States of North America until the fifth day of November next, unless a new appointment shall sooner take place.

JNº STEVENS, *Chairman.*[1]

A letter, of 16, from General Washington, was read.[2]

The committee, ‖consisting of Mr. Sullivan, Mr. Cornell, Mr. Sharpe,‖ to whom was referred an extract of General Washington's letter of 28th June last, respecting the cloathing department, delivered in a report; Whereupon,

*Resolved*, That the said extract of General Washington's letter, together with a letter from the superintendant of finance to the committee on the subject, be referred to the Board of War; who are directed to confer with the superintendant of finance and the cloathier, and make the best contracts in their power for procuring cloathing for the army.[3]

[1] The original is in the *Papers of the Continental Congress*, New Jersey, *Credentials of Delegates.*

[2] This letter is in the *Papers of the Continental Congress*, No. 152, X, folio 167.

[3] This report, in the writing of William Sharpe, is in the *Papers of the Continental Congress*, No. 19, VI, folio 347.

A motion was then made by Mr. [James Mitchell] Varnum, seconded by Mr. [Roger] Sherman,

"That the amount of all cloathing furnished or to be furnished during the present campaign and for the next winter, by any of the states for their several troops, shall be credited to the states respectively, according to a just and equitable value, and shall be considered as so much advanced on account of such state's quota of taxes for the present year."

On the question to agree to this motion, the yeas and nays being required by Mr. [Roger] Sherman,

| | | |
|---|---|---|
| *New Hampshire,* | | |
| Mr. Sullivan, | no | div. |
| Livermore, | ay | |
| *Massachusetts,* | | |
| Mr. Lovell, | ay | ay |
| Partridge, | ay | |
| Osgood, | ay | |
| *Rhode Island,* | | |
| Mr. Mowry, | ay | ay |
| Varnum, | ay | |
| *Connecticut,* | | |
| Mr. Ellsworth, | ay | ay |
| Sherman, | ay | |
| *New Jersey,* | | |
| Mr. Witherspoon, | no | no |
| Boudinot, | no | |
| *Pennsylvania,* | | |
| Mr. Montgomery, | no | no |
| Clymer, | no | |
| T. Smith, | no | |
| *Delaware,* | | |
| Mr. McKean, | no | * |
| *Maryland,* | | |
| Mr. Carroll, | no | no |
| Potts, | no | |
| *Virginia,* | | |
| Mr. Jones, | no | no |
| Madison, | no | |
| Bland, | no | |
| M. Smith, | no | |
| Randolph, | ay | |
| *North Carolina,* | | |
| Mr. Sharpe, | no | * |
| *South Carolina,* | | |
| Mr. Mathews, | no | no |
| Bee, | no | |
| Eveleigh, | no | |
| *Georgia,* | | |
| Mr. Walton, | no | no |
| Howly, | no | |

So it passed in the negative.

The committee, ‖consisting of Mr. Witherspoon, Mr. Carroll, Mr. Varnum, Mr. Sullivan, Mr. Mathews,‖ appointed to receive the communications of the honourable the minister of France, reported the substance of the said communications.

The minister, from his despatches of the 9th of January, 1781, communicated to your committee the causes which delayed the measures which the Court of France proposed to take for the naval operations of this campaign, the length of the passage of Count d'Estaing to Brest, and other circumstances not necessary now to be recapitulated; and then told us that he was desired, in the mean while, to continue to assure Congress, that the interest which his Majesty takes in the American cause will essentially influence his measures for the present campaign.

The minister continued by observing, that the present situation of affairs between Great Britain and Holland presented a favourable opportunity for a union of the two republicks.

Your committee will not repeat the details of what has happened between the two powers of England and Holland; it is sufficient to observe, that Sweden and Denmark have adopted the plan of armed neutrality framed by the Empress of Russia. That the Dutch, upon invitation, had done the same; and the Court of London, irritated by this step, took hold of the pretence afforded by the papers found on Mr. Laurens, and published a manifesto on the 21st day of December, as well as a proclamation for expediting letters of marque. That this state of affairs, and the other consequences of this step, deserve the attention of Congress. That, if their High Mightinesses should join in this war, it would bring the two republicks to terms of more intimate union. That the opinion of the council of the king was, that Congress ought not to neglect to send to Holland a prudent and able man, with full powers. It would likewise be advantageous to give proper instructions to that minister; and as it may happen, in the course of the

negotiations, that unforeseen incidents may present themselves, and as it is impossible at this distance to have quick information, it would be proper to have further instructions given by Dr. Franklin, in order to avoid all inconsistency or contradiction; and that the political operations of Congress, aiming towards the same end, may of course be more successful.

The minister communicated to your committee the contents of another despatch of the 19th of February last. After stating some facts relating to Mr. Laurens's capture and its consequences, which Congress is already acquainted with, the minister informed your committee that the Empress of Russia had on the 5th of January received the accession of the United Provinces to the association of neutral powers, and that there was great probability that her Imperial Majesty would support the Dutch against the tyranny of England; and that, in every supposition, Congress would do well to take such measures as to prepare without delay the means of uniting the interest of the two republicks by making proper advances to the States General. The minister added, that he was authorised by the king to offer Congress his interposition for this purpose.

The minister informed that, according to appearances, the Empress of Russia seemed to be well disposed to the independence of the United States; and that these dispositions give reason to think that the Empress will see with pleasure, that Congress has adopted her principles as to the neutrality; and that the Count de Vergennes has sent that resolution to the Marquis Verac, the minister of France at the Court of Russia:[1]

[1] This report was entered only in the manuscript Secret Journal, Foreign Affairs. It is in the *Papers of the Continental Congress*, No. 25, I, folio 227, and is in the writing of a clerk. It is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 600.

*Ordered,* That it be referred to the said committee.

The committee of the week made report; Whereupon,

The Committee for the week report

~~That the Memorial of Wm Trent of the State of New Jersey, in behalf of himself and the other proprietors of a tract of land called Indiana, ought to be returned to him, he having desired the same for the purpose of expunging certain offensive expressions.~~

~~because insinuations against Congress of their delay and denial of justice or combination with the violaters of law make not a necessary part of that firm language in which the redress of supposed injury may be sought and therefore offend against the deference due to the United States in Congress assembled. and~~

~~because the charge, adduced against the legislature of Virginia, acting upon oath "of an unexampled exertion of despotic and usurped power, and in manifest contravention to an express provision, contained in the declaration of rights of that state" ought not to be received inasmuch as it contributes nothing to the exposition of their claim, and criminates the sovereign power of that State with perjury~~

~~because it is unprecedented among the usages of nations and repugnant to the principles of the Confederation that a private citizen of one State, without the sanction thereof, should be considered as an adversary worthy to call another State into contest.~~

That the letter from the Superintendant of finance with the enclosure on the subject of rations for the use of the prisoners of war from Charles-town lately exchanged, ought to be referred to a special Committee.

That the letter of William Bingham on the subject of settlement and payment for goods furnished to the continent, ought to be referred to the ~~Board of Treasury~~ Committee appointed to settle his accounts.[1]

*Ordered,* That a letter, of 20, from the superintendant of finance, with the paper inclosed, be referred to a committee of three:[2]

The members, Mr. T[homas] Smith, Mr. [Daniel] Carroll, Mr. [Samuel] Livermore:

[1] This report, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress,* No. 32, folio 195.

[2] The letter, of 20, is in the *Papers of the Continental Congress,* No. 137, I, folio 81.

*Ordered*, That a letter, of 20th, from W. Bingham, be referred to the Committee of Commerce.

The committee of the week was chosen:

Mr. [Elias] Boudinot, Mr. [Daniel] Mowry, Mr. [William] Sharpe.

*Ordered*, That the postscript to the letter, of 10th, from General Washington, be referred to a committee of three:

The members, Mr. [John] Mathews, Mr. [John] Sullivan, Mr. [James] Madison.

Congress resumed the consideration of the report on Mr. [Theodorick] Bland's motion; Whereupon,

*Resolved*, That the auditor general be, and he is hereby, authorised and directed forthwith to ascertain, in the best manner he can, the specie value, at the time the same were dated, of the several bills drawn by Major General Lincoln, and accepted by the Board of Treasury, in pursuance of the resolutions of Congress of the 23d day of March and 6 July, 1780; and that the superintendant of finance issue certificates for the amount thereof, with lawful interest from the respective dates; and also provide sufficient funds for the final redemption of the said certificates, and for the punctual payment of the interest thereof annually, in specie, in the mean time.

*Resolved*, That ~~Commissioners~~ [five suitable persons] be appointed and authorised to open a subscription for a loan of [thirty thousand] dollars, for the support of such of the citizens of the states of South Carolina and Georgia, as have been driven from their country and possessions by the enemy, the said states, respectively, by their delegates in Congress, pledging their faith for the re-payment of the sums [so lent,] with interest, [in proportion to the sums which shall be received by their respective citizens, as soon as the legislatures of the said states shall severally be in condition to make provision for so doing], and Congress hereby guaranteeing this obligation:

That the said ~~Commissioners~~ [five persons] do also receive voluntary and free donations, to be applied to the ~~support of such~~ [further relief] of the said sufferers ~~as are willing to accept the same~~:

*Ordered,* That the President send a copy of the above resolution to the executives of the several states not in the power of the enemy, requesting them to promote the success of the said loan and donation ~~within their respective bounds~~ in such way as they shall think best.[1]

A letter, of this day, from the Board of War, was read, enclosing a letter, of 12, from Otis & Henley at Boston:

*Ordered,* That the same be referred to the superintendant of finance.

A letter, of this day, from the superintendant of finance, was read; also,

A letter, of this day, from F. Hopkinson, treasurer of loans, was read, requesting leave to resign:[2]

*Ordered,* That his resignation be accepted.

*Resolved,* That the office of treasurer of loans be, and the same is hereby abolished; and that the business thereof be annexed to the office of treasurer of the United States.

Adjourned to 10 o'Clock to Morrow.

## TUESDAY, JULY 24, 1781

The committee of the week made report; Whereupon,

On motion of Mr. [John] Witherspoon, seconded by Mr T[homas] Smith, it was resolved as follows:

Whereas the superintendant of finance, upon entering on his office, has represented that it would be proper that the Board of Treasury should continue to exercise the powers

[1] The last three paragraphs, in the writing of George Clymer, except the portions in brackets which are in the writing of Thomas McKean, are in the *Papers of the Continental Congress*, No. 20, II, folio 391.

[2] Morris's letter is in the *Papers of the Continental Congress*, No. 137, I, folio 89; Hopkinson's is in No. 78, XII, folio 171.

entrusted to them, until such time as he shall have made his arrangements, and is prepared to take up the business:

*Resolved*, That until the business be regularly transferred over to the superintendant of finance, the Board of Treasury continue in the discharge of the duties heretofore entrusted to them.

*Ordered*, That a letter of John Pierce;[1]

A memorial of the owners and drivers of different brigades of waggons employed in transporting stores to the southern army; and

A memorial of And$^{w}$ Pepin, a supernumerary lieutenant, late of Colonel Livingston's regiment, be referred to the Board of War;[2]

That a letter of Colonel Hazen be referred to the Board of Treasury.

A memorial of William Trent and others was read.[3]

*Ordered*, The report of the committee on the cessions of western lands to the United States by Virginia and Connecticut, &c., and on the memorials of the Ilionois and Wabache companies, be considered on Monday next.

A letter, of the 16th May, from E. Forman, one of the commissioners of the Board of Treasury, was called for and read; Whereupon,

*Resolved*, That the resignation of the said Ezekiel Forman be, and it is hereby accepted.

The committee to whom were referred the letters, of the 9th and 20th of June, from Major General Greene, delivered in a report.

[1] This letter, dated July 15, 1781, is in the *Papers of the Continental Congress*, No. 165, folio 637.

[2] This memorial, dated July 19, 1781, is in the *Papers of the Continental Congress*, No. 41, VIII, folio 148.

[3] This and the four preceding paragraphs were passed as recommended in the report of the Committee of the Week. The report is in the writing of William Sharpe and is in the *Papers of the Continental Congress*, No. 32, folio 197. Trent's memorial, dated July 20, 1781, is in No. 77, folio 226.

A report from the Board of War was read; Whereupon,

WAR OFFICE *July 24, 1781.*

Sir,

Robert Henry Surgeon of the 2nd New Hampshire Regiment hath represented to the Board, that he was taken prisoner by the enemy (at the time Col. Greene was killed) and stripped of all his clothing. He hath since obtained his parole, for a limited time to procure some necessaries. He further represents that he hath received but two months' pay in twenty, that before he belonged to this regiment he was mate in the General Hospital, and there appears due to him by Doctor Bond's certificate for that service £101. 5. specie, which sum there is no provision made to pay, and he further saith, that he is at this time destitute of cash. Upon considering the foregoing representation, the Board submit the following resolution:

*Ordered*, That the Board of War draw on the paymaster general in favour of Robert Henry, surgeon of the second New Hampshire regiment for one hundred and ninety-five dollars of the new emissions on account of his pay; [1] and

WAR OFFICE *July 24. 1781.*

SIR,

Captain James Moore of the Delaware Battalion was ordered on command to forward the supplies for the recruits of that Regiment going to join the Southern Army His situation is so distressing as to induce the Board to recommend to Congress that three months' pay be advanced him and to request they will be pleased to direct,

in favour of Captain James Moore of the Delaware regiment for one hundred and fifty dollars in like bills on account of his pay.[2]

The report of the committee, ||consisting of Mr. Varnum, Mr. Bland, Mr. Sullivan,|| on the memorial of John Storey, was taken into consideration; and Thereupon,

The Committee to whom was referred the Memorial of Mr Story beg leave to Report.

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 85.

[2] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 81.

That they find that the said Story was left at Camp by Gen[l] Green late Q. M. G to settle his unfinished business in that department with the Army, and that he continued transacting that business, and also acted as Pay Master to Col Pickering the present Q. M. G untill the 21[st] of April last.

Therefore beg leave to submit the following resolution:

*Resolved*, That John Storey be entitled to the same pay and rations for his services, from the time of General Greene's resignation as quartermaster general, until the 21st day of April last, which he received or was entitled to receive when acting immediately under the said quartermaster general:

And whereas it appears to your Committee that it still remains Necessary that some Person should reside at Camp to transact the unfinished Business of the late Q. M. G.

*Therefore, Resolved,*

That the said John Storey immediately repair to camp, and there carefully transact and settle the business belonging to the late quartermaster general's department, until the further order of Congress; and for this his service he shall be allowed, from the 21 day of April last, the pay and rations of a captain in the line of the army.

Your Committe beg farther to report,

*Ordered*, That Mr. Storey be informed that his claim to rank is inadmissible; and that his claim for depreciation will be settled by the general plan, when adopted for the staff of the army.[1]

*Resolved*, That Messrs. William Bingham, John Bayard, George Mead, Jacob Barge, and Dr. Hutchinson, be, and they are hereby, appointed and authorised to open a subscription for a loan, agreeably to the resolution passed yesterday.

[1] This report, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress*, No. 19, V, folio 131.

The report of the committee on the letter from the president of New Hampshire and the papers enclosed was taken into consideration, and after debate:

Adjourned to 10 o'Clock to Morrow.

## WEDNESDAY, JULY 25, 1781

Mr. Jonathan Elmer, a delegate for the State of New Jersey, attended.

A letter, of 21, from General Washington was read.[1]

A letter, of this day, from the superintendant of finance was read; Whereupon,[2]

*Resolved*, That the interest to be allowed on the certificates granted for the bills drawn by Major General Lincoln, be at the rate of six per cent. per annum.

*Ordered*, That the letter be referred to the committee appointed to prepare an ordinance for collecting the duty of five per cent. on imports and prizes:

*Ordered*, That Mr. [James] Madison be added to that committee.

The committee of the week made report; Whereupon,

The Committee of the week report.

That the Petition from Lieut. Duncan Campbell, as far as respects his request for Certificates in full of a Debt due to him for pay and depreciation be referred to the Board of ~~War~~ Treasury.

That the letter from Wm McKinnan be referred to the Board of War.

That the Letter from Wm Watters and other Prisoners on board the *Jersey* Prison Ship at New York be referred to ~~a special committee to make~~ the Board of War.[3]

*Ordered*, That a petition of Lieutenant Duncan Campbell;

[1] This letter is in the *Papers of the Continental Congress*, No. 152, X, folio 175. It is printed in *The Writings of Washington* (Ford), IX, 314.

[2] This letter is in the *Papers of the Continental Congress*, No. 137, I, folio 93.

[3] This report, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 32, folio 199.

A letter, of 11, from William Waters and others;

A letter, of 24, from William McKinnan; and

A memorial of Samuel Bryan and others be referred to the Board of War.[1]

A report of the Board of Treasury was read; Whereupon,

TREASURY OFFICE *July 25th. 1781*

The Board of Treasury beg leave to Report,

That on the application of Richard Phillips, Steward to the President of Congress, a warrant issue in his favor on Thomas Smith Commissioner of the Continental loan office for the State of Pennsylvania, for two thousand dollars new emissions to defray the expences of the President's household, and for which sum the said Steward is to be accountable.

*Ordered*, That on the application of John L. Clarkson, clerk to the Board of Treasury, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, for three hundred and fifty dollars new emissions, to defray the contingent expences of the treasury office, and for which sum he is to be accountable.[2]

On motion of Mr. [Edmund] Randolph, seconded by Mr. [Theodorick] Bland:

*Ordered*, That a committee of three be appointed to revise the several reports now before Congress which have not been acted upon or finished, and report thereon:

The members, Mr. [Edmund] Randolph, Mr. T[homas] Smith, Mr. [Roger] Sherman.

A letter, of 24, from the Minister of France; and also a letter of the same date from him to the Board of Admiralty, were read, with sundry papers enclosed:

[1] Campbell's petition, dated July 20, 1781, is in the *Papers of the Continental Congress*, No. 42, II, folio 114; McKinnan's letter is in No. 78, XVI, folio 223; Bryan's memorial is in No. 41, I, folio 359.

[2] This report is in the *Papers of the Continental Congress*, No. 136, V, folio 415.

*Ordered,* That the same be referred to the Committee of Commerce.

The committee, ‖consisting of Mr. Osgood, Mr. Potts, Mr. Livermore,‖ to whom was referred the memorial of Captain J. P. Jones, together with his account, delivered in a report; Whereupon,

*Resolved,* That the charges of the said J. P. Jones, as exhibited in his accounts, Nos. 1, 2, 3, 4, 5, 6, and 7, be allowed; and that the said report and accounts be referred to the Board of Treasury to take order.

The report of the committee, ‖consisting of Mr. Ellsworth, Mr. Mathews, Mr. Madison,‖ on the letters from Major General Greene was taken into consideration; Whereupon,

The committee to whom was referred the letters of Major General Greene of the 9th and 20th ultimo ~~and the letter of Major General the Marquis de Lafayette of the~~

*Resolved,* That the ~~Committee appointed to correspond with the commanding officer in the Southern department be directed to~~ President acquaint Major General Greene, that the measures he has pursued for the general security of the southern states, and for dispossessing the enemy of the several posts occupied by them, ~~although not attended with compleat success~~ afford ~~an additional~~ such proofs of his judgment, vigilance, and firmness, as recommend him to the entire approbation of Congress; and that Congress are equally sensible of the zeal, gallantry, and perseverance displayed by the officers and soldiers under his command, in the various services in which they have been employed, and the difficulties with which they have contended.

*Ordered,* That ~~the letter of Major General the Marquis de Lafayette~~ so much of the letter of Major General Greene as relates to calling out militia be referred to the committee

appointed to consider of the additional powers necessary to be given Congress.[1]

Adjourned to 10 o'Clock to Morrow.[2]

## THURSDAY, JULY 26, 1781

Mr. N[icholas] Van Dyke, a delegate for the State of Delaware, attended.

A letter, of 21st, from Major General the Marquis de la Fayette, was read, with sundry papers enclosed.[3]

*Ordered,* That the report of the Board of War respecting Robert Elliot be referred to a committee of three:

[1] This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 19, II, folio 463.

[2] The following draft of a letter appears to have been submitted this day. It is in the *Papers of the Continental Congress*, No. 24, folio 369, and is indorsed: "Letter to the States from New Hampshire to New Jersey, July 25, 1781." It is in the writing of James Mitchell Varnum:

PHILADELPHIA *July* *1781.*

SIR.

The United States in Congress Assembled are so fully convinced of the necessity of the most vigorous operations against the posts of New York and its dependencies, that they are induced to urge in the most pressing manner, a prompt and decided compliance with the requisitions from ~~his Excellency~~ the Commander in Chief for men and supplies. We are sensible the demands must be extensive and a full compliance with them appears difficult ~~considering the great and repeated exertions of your State.~~ But the objects of their operations are so important in themselves, and so intimately connected with the pleasing idea of establishing peace, and of avoiding the calamities of preceding campaigns, that we assure ourselves every obstacle will be surmounted and the same virtuous ~~exertions~~ struggles which have hitherto supported the war will speedily bring it to a glorious ~~Period~~ issue.

I have the honor of being, Sir, With great respect, Your very obedient and most humble servant.

T. M^cK. P. C.

His Excellency, The Governor of ———.

To this period, apparently, belongs the following motion, in the writing of John Mathews, undated, indorsed: "Motion of delegates from South Carolina That the Board of War forward to the State of South Carolina 3,000 stand of arms." It is in No. 36, IV, folio 393.

*Resolved,* That the Board of War be directed to forward to the State of South Carolina with all convenient dispatch 3,000 stand of arms for the use of the militia of that State.

[3] This letter is in the *Papers of the Continental Congress*, No. 156, folio 180.

WAR OFFICE, *July 17, 1781.*

SIR

The Board being ordered by Congress to state the case of Mr. Robert Elliot specially, beg leave to observe, that they have no other materials on which their report can be founded, than the Certificate of Captain James Willing, a copy whereof they have the Honor to enclose, and believe that Mr. Elliot's situation is properly stated therein, so far as his claim extends for pay, as an Officer employed in the Land Service.[1]

The members, Mr. T[homas] Smith, Mr. [Nicholas] Van Dyke, Mr. [Richard] Howly.

On motion of Mr. [Daniel] Carroll, seconded by Mr. [Richard] Howly:

*Ordered,* That a committee of three be appointed to confer with the Commander in Chief, the Board of War and the superintendant of finance on the number and arrangement of the army for the ensuing year:

The members, Mr. [Daniel] Carroll, Mr. [Theodorick] Bland, Mr. [James Mitchell] Varnum.

The report of the committee on the letter, of 1 June, from the treasurer, was taken into consideration; after debate,

*Ordered,* That it be referred to the superintendant of finance.

*Ordered,* That the Board of Treasury report to Congress what states have complied with the resolutions of Congress of 18 March and 26 August, 1780, concerning the calling in the old continental money and the issuing the new.

A motion was made by Mr. [James Mitchell] Varnum respecting the commissary of purchases:

*Resolved,* That the office of Commissary General of Purchases and all appointments under him cease, and that the duties of that office be transferred to the Commissary General of Issues.[2]

*Ordered,* That it be referred to the Board of War.

Adjourned to 10 o'Clock to Morrow.

[1] This report is in the *Papers of the Continental Congress,* No. 19, II, folio 225.

[2] This motion, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress,* No. 36, I, folio 211.

FRIDAY, JULY 27, 1781

A memorial from the hon^ble^ the Minister of France was read, accompanied with the plan of a convention for regulating the powers and duties of consuls and vice consuls.

MEMOIRE

PHILADELPHIA, *July 26, 1781.*

The twenty-ninth article of the treaty of amity and commerce, between his Most Christian Majesty and the United States, reserves to the two contracting powers "the liberty of having each in the ports of the other, consuls, vice consuls, agents and commissaries, whose functions shall be regulated by a particular agreement." In consequence of this stipulation, the Court of Versailles has caused a draft to be made of a convention, relative to the establishment of consuls, which the undersigned minister plenipotentiary of France has the honour to communicate to Congress. It is the desire of his Majesty, that this draft should be examined by Congress; and those points marked which admit of no difficulty; and that the others should be submitted to the examination of delegates appointed by both parties, who may make such observations as they shall judge proper, and propose such alterations as they may think convenient. These objects will require discussion in repeated conferences; and the undersigned intreats that Congress would determine in what manner these conferences shall be held. The proposed convention requires the most mature consideration of both parties; while at the same time it is equally the interest of both, with all speed, to introduce consistency and uniformity into their respective commercial establishments; and the undersigned is of opinion that Congress will think it

necessary to prosecute this business with all possible despatch.

(Signed) LE CHEV. DE LA LUZERNE.[1]

Projet de Convention entre le Roi Très Chrétien, et les Etats Unis de l'Amérique Septentrionale, à l'effet de déterminer et fixer les fonctions et prérogatives des Consuls, Vice Consuls, et des Agens respectifs.

Le roi très chrétien, et les Etats Unis de l'Amérique Septentrionale, s'étant accordés, mutuellement, par l'article 29 du traité d'amitié et de commerce conclu entre eux, la faculté de tenir dans leurs états respectifs, des consuls, vice consuls, et des agens, et voulant en conséquence déterminer, et fixer d'une manière réciproque et permanente les fonctions et prérogatives des dits consuls, vice consuls, et des agens respectifs, il a été convenu ce qui suit.

ARTICLE I

Les consuls, et vice consuls nommés par le roi très chrétien, et les Etats Unis, seront tenus de présenter leurs provisions à leur arrivée dans leurs états respectifs. On leur délivrera, sans aucun frais, *l'exequatur* nécessaire à l'exercice de leurs fonctions et sur l'exhibition qu'ils feront du dit exequatur, les gouverneurs, présidens, commandans, chefs de justice, les corps des tribunaux ou autres officiers, ayant autorité dans les ports et lieux de leur consulats, les y feront jouir, aussitot, et sans difficulté, des pré-éminences, autorité et priviléges accordés réciproquement sans qu'ils puissent

[1] This version is taken from the printed Secret Journal, Foreign Affairs; it is also printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 604. Another translation is in the *Papers of the Continental Congress*, No. 25, II, folio 17.

exiger des dits consuls, et vice consuls aucun droit sous aucun prétexte quelconque.

ARTICLE II

Les consuls respectifs auront la faculté d'établir des vice consuls dans les différens ports et lieux de leur département ou le besoin l'éxigera. On leur délivrera également *l'exequatur* nécessaire à l'exercice de leurs fonctions et sur l'exhibition qu'ils feront du dit *exequatur* ils seront admis et reconnus dans les termes et selon les pouvoirs, autorité et privilèges stipulés par les articles 1, 5, et 6, de la présente convention.

ARTICLE III

Les consuls et vice consuls respectifs ne pourront être pris que parmi les sujets naturels de la puissance qui les nommera. Tous seront appointés par leur souverain respectif, et ils ne pourront en conséquence faire aucun trafic ou commerce quelconque ni pour leur propre compte, ni pour le compte d'autrui.

ARTICLE IV

Les consuls respectifs pourront établir des agens dans les différens ports et lieux de leur département, où le besoin l'éxigera. Les agens pourront être choisis parmi les négocians nationaux ou étrangers et munis de brevets de l'un des dits consuls; ils se renfermeront respectivement à rendre aux commerçans, navigateurs, et batimens respectifs, tous les services possibles et à informer le consul ou vice consul le plus proche des besoins des dits commerçans, navigateurs et batimens, sans que les dits agens puissent autrement participer

aux immunités, droits et privilèges attribués aux consuls et vice consuls par la présente convention.

ARTICLE V

Les consuls et vice consuls, les officiers du consulat, et généralement toutes les personnes attachées aux fonctions consulaires jouiront respectivement d'une pleine et entière immunité pour leurs personnes, leurs papiers, et leurs maisons. Ils seront exempts de tout service personnel et offices publics, logement de gens de guerre, milice, guet, garde, tutelle, curatelle, ainsi que de tous droits, taxes, impositions, charges quelconques, hors les biens fonds, dont ils seront propriètaires, les quels seront assujettis aux taxes imposées sur les biens de tous autres particuliers. Ils pourront faire placer sur la porte extérieure de leur maison les armes de leur souverain, sans cependant que cette marque distinctive puisse donner à la dite maison le droit d'azile pour aucun malfaiteur ou criminel de manière que le cas arrivant où aucun malfaiteur ou criminel s'y refugierait il sera rendu sur le champ à la première réquisition et sans difficulté.

ARTICLE VI

Les consuls ou les vice consuls respectifs, dans les lieux ou il n'y aura pas de consuls pourront avoir dans leur maison une chapelle pour y célébrer le service divin, et le roi très chrétien ainsi que les Etats Unis, donneront des ordres précis et effectifs dans les ports et lieux de leur domination pour qu'il ne soit apporté aucun retard ni empêchement lors de la cérémonie, des obséques et funérailles des sujets de l'une des deux nations, qui seront décédés dans l'étendue des terres de l'autre.

ARTICLE VII

Dans tous les cas généralement quelconques concernant la police ou l'administration de la justice, où il sera nécessaire d'avoir une déclaration juridique des consuls et vice consuls respectiffs, le gouverneur, le commandant, le chef de la justice, les corps des tribunaux ou autres officiers quelconques de leur *résidence* respective y ayant autorité, seront tenus de les en prévenir en leur écrivant, ou en leur envoyant un officier militaire ou civil, pour leur faire connoître, soit l'objet que l'on se propose soit la nécessité dans la quelle on se trouve d'aller chez eux pour leur demander cette déclaration, et les dits consuls, ou vice consuls seront tenus de leur côté de se prêter loyalement à ce qu'on désirera d'eux dans ces occasions.

ARTICLE VIII

Les consuls, et vice consuls respectifs, pourront établir une chancellerie ou seront déposés les actes et les déliberations consulaires, tous les effets délaissés par défunts, ou sauvés des naufrages, ainsi que les testamens, obligations, contrats, et généralement tous les actes et procédures faits, entre leurs nationaux. Ils pourront en conséquence commettre à l'exercice de la dite chancellerie des personnes capables les recevoir; leur faire prêter serment, leur donner la garde du sçeau, et le droit de sceller les commissions, jugemens, et autres actes du consulat, ainsi que d'y remplir les fonctions de notaires et greffiers.

ARTICLE IX.

Les consuls, et vice consuls respectifs auront le droit exclusif de recevoir dans leur chancellerie, ou abord

des bâtimens, les déclarations et tous les autres actes, que les capitaines, patrons, équipages passagers, et négotians, de leur nation, voudront y passer, même leur testamens et autres dispositions de derniere volonté, et les expèditions des dits actes duement légalisées par les dits consuls ou vice consuls et munis du sçeau de leur consulat feront foi, en justice, dans tous les tribunaux de France, et des Etats Unis. Ils auront aussi, et exclusivement, le droit de faire l'inventaire, la liquidation, et de procéder à la vente des effets mobiliers de la succcession des sujets de leur nation qui viendront à mourir dans les états respectifs. Ils y procéderont avec l'assistance de deux négotians de leur dite nation, à leur choix, et feront déposer dans leur chancellerie les effets, et papiers, des dites successions, sans qu'aucun des officiers militaires, de justice, ou de police, du pays puissent les y troubler, ni y intervenir de quelque manière que ce soit: Mais les dits consuls et vice consuls ne pourront faire la délivrance, des successions et de leur produit aux héritiers légitimes où à leurs mandataires, qu'après avoir fait acquitter toutes les dettes que les défunts auront pu avoir contractées dans le pays par jugement, par actes, ou par billets dont l'écriture et la signature seront reconnues et certifiées, par deux notables négotians de la nation des dits défunts, et dans tous autres cas le payement des dettes ne pourra être ordnné qu'en donnant, par le créancier, caution suffisante, et domiciliée de rendre les sommes induëment perçues, principal, interêts, et frais, lesquelles cautions cependant, demeureront duëment déchargées après une année en tems de paix, et deux en tems de guerre; si la demande en décharge ne peut êtré formée avant ces délais contre les héritiers qui si présenteront.

ARTICLE X

Les consuls et vice consuls respectifs, recevront les déclarations, et les consulats de tous capitaines et patrons de leur nation respective, pour raison d'avaries essuyées à la mer par des voyes d'eau ou jets de marchandise, même lorsqu'il y aura des négotians étrangers intéréssés dans la cargaison; ou ces capitaines et patrons remettront dans la chancellerie des dits consuls et vice consuls les consulats qu'ils auront faits dans autres ports pour les accidens, qui leur seront arrivés pendant leur voyage; et dans les deux cas, les dits consuls et vice consuls respectifs, régleront l'avarie sans délai par des experts, de leur nation qu'ils nommeront d'office; et par des experts d'une partie de leur nation et l'autre d'étrangers dans le cas ou un étranger sera interessé dans la cargaison.

ARTICLE XI

Dans le cas ou par tempête, ou autre accident, des vaisseaux ou batimens François échöueront sur les côtes des Etats Unis, et des vaisseaux ou batimens des Etats Unis echöueront sur les côtes de France, le consul ou le vice consul le plus proche du lieu de naufrage pourra faire tout ce qu'il jugera convenable tant pour sauver le dit vaisseau ou batiment, son chargement et appartenances, que pour le magazinage et la sureté des effets sauvés et marchandises: Il pourra en faire l'inventaire sans qu'aucun officiers militaires, des douanes, de la justice, ou de la police du pays puissent s'y immiscer autrement que pour faciliter aux consuls, et vice consuls, capitaine et équipage du vaisseau naufragé, ou échoué, tous les secours et faveurs qu'ils leur demanderont, soit pour la célérité et la sureté du sauvetage, et des effets sauvés, soit pour éviter les désordres qui

n'accompagnent que trop souvent ces accidents. Pour prévenir même toute espèce de conflit et de discussion dans les dits cas de naufrage, il a été convenu, que lors qu'il ne se trouvera pas de consul ou de vice consul pour faire travailler au sauvetage, ou que la résidence du dit consul ou vice consul qui ne se trouvera pas sur le lieu du naufrage, sera plus éloignée du dit lieu que celle du juge territorial compétent, ce dernier y fera procéder sur le champ avec toute célérité, la sureté et les précautions prescrites par les loix respectives, sauf au dit juge territorial à se retirer; le consul ou vice consul survenant, et à lui remettre les procédures par lui faites, dont le consul ou vice consul lui fera rembourser les frais. Les marchandises sauvées devront être déposées à la douane la plus prochaine avec l'inventaire qui en aura été dressé par le consul ou vice consul, ou en leur absence par le juge qui en aura connu; pour, les dites marchandises, être ensuite délivrées, après le prélevement des frais et sans forme de procès aux proprietaires, qui munis de la main levée du consul ou vice consul le plus prochain les réclameront par eux mêmes ou par leur mandataires; soit pour reporter les marchandises, et dans ce cas elles ne payeront aucune espèce de droit de sortie; soit pour les vendre dans le pays, si elles n'y sont pas prohibées, et dans ce cas, les dites marchandises se trouvant avariées on leur accordera une modération sur les droits d'entrée proportionée au domage souffert, lequel sera constaté par le procès verbal dressé lors du naufrage et de l'échouement.

ARTICLE XII

Les consuls et vice consuls du roi très chrétien, établis dans les Etats Unis, et les consuls et vice consuls des Etats Unis établis en France, y exerceront la police sur

tous les batimens de leurs nations respectives et auront abord des dits batimens tout pouvoir et jurisdiction dans toutes les discussions qui pourront y survenir. Ils auront une entière inspection sur les dits batimens, leurs équipages, les changemens, et les remplacemens à y faire, ainsi que pour tout ce qui concernera leur navigation, et l'observation de leurs loix, ordonnances, réglemens respectifs. Ils pourront se transporter abord des batimens de leur nation arrivant dans les ports, havres ou rades respectifs, et ce aussi souvent qu'ils le jugeront apropos pour l'acquit de leur charge sans qu'aucun officiers des douanes, de police, ou autres puissent les en empêcher. Ils pourront faire arrêter tout batiment portant le pavillon de leur nation respective, le faire séquestrer, et même, le renvoyer respectivement de France dans les Etats Unis et des Etats Unis en France, et faire arrêter sans difficulté tout capitaine patron, matelot ou passager de leur dite nation respective. Ils pourront réclamer les matelots, déserteurs, et les vagabonds de leur nation respective, les faire arrêter et détenir dans le pays ou les renvoyer et faire transporter hors du pays. Il suffira que les consuls ou vice consuls respectifs, puissent justifier que ces matelots, déserteurs et vagabonds de telle nation qu'ils puissent être d'ailleurs, sont inscrits, sur leur registre ou portés sur le rôle de l'équipage, et l'une ou l'autre de ces deux pièces étant suffisantes pour fonder la validité de la réclamation, de la détention, et de la déportation des dits matelots, déserteurs, et vagabonds, aucun d'iceux, François ou Américain ne pourra dans les pays respectifs par lui même ou par autrui réclamer les loix ou l'autorité locale, interdisant sur ce toute connoissance à tous tribunaux, juges et officiers quelconques. Dans tous ces cas, les dits matelots, déserteurs et vagabonds seront

remis aux réclamants, quelques soient leurs engagements, et ils ne pourront devenir engagés, retenus ou soustraits en aucune manière quelconque et par qui ce soit, nationaux ou étrangers à la perquisition que les dits consuls ou vice consuls, en feront faire par personnes autorisées par eux et chargées d'une réquisition signée d'eux; et pour l'éxécution de toutes les dispositions ce dessus les gouverneurs, commandans, chefs de la justice, les corps des tribunaux ou autres officiers des pays respectifs y ayant autorité, seront tenus et obligés de prêter main forte aux consuls et vice consuls respectifs et sur une simple réquisition signée d'eux sauf à faire arrêter, détenir et garder dans les prisons à la disposition et aux frais des dits consuls et vice consuls, les matelots, déserteurs, et les vagabonds réclames jusqu' à ce qu'ils ayent occasion de les faire embarquer et sortir du pays. Et si les dits matelots, déserteurs, et vagabonds dans la vue d'éluder leur renvoi alliguaient qu'ils veulent retourner à leur patrie pour devenir sujets de S. M. T. C. ou des Etats Unis, respectivement, on n'aura aucun égard à cette assertion.

ARTICLE XIII

Dans les cas ou les sujets respectifs auront commis quelque crime contre quelqu'un des habitans du pays, qui mérite punition exemplair, ils seront justiciables des juges du pays.

ARTICLE XIV

Les consuls et vice consuls du roi T. C. établis dans les Etats Unis, et les consuls et vice consuls des Etats Unis établis en France, y connoîtront, à l'exclusion des tribunaux du pays, de tous les différens et procès, qui pourront naître à terre entre les capitaines, patrons,

équipages, passagers et commerçans de leur nation respective. Ils les accorderont amiablement ou les jugeront sommairement, et sans frais, pour l'appel de leur jugemens être porté respectivement aux tribunaux de France et des Etats Unis, qui jugent en dernier ressort, et qui devront en connoître. Ils exerceront ces fonctions de justice, priveé, ou de police nécessaire sans qu'aucun des officiers militaires, de justice ou de police du pays, puissent s'y immiscer et y intervenir en aucune manière. Dans tous les cas ou il surviendra aussi entre les négotians François demeurant en France, et leur compatriotes établis ous la protection du roi très chrétien dans les Etats Unis, des différens procès pour raison de leur commerce, ainsi qu'il en surviendra de même entre les négotians Américains domiciliés dans les Etats Unis, et leurs compatriotes établís sous la protection des Etas Unis dans le royuame de France, pareillement pour raison de leur commerce, les dits différens et procès seront instruits et jugés, sommairement et sans frais, entre eux, chacun par le consul ou vice consul de leur nation respective et les appels du jugement portés aux tribunaux respectifs qui jugent en dernier ressort, soit en France, soit dans les Etats Unis. A l'égard des autres différens et procès, qui pourront naître entre les sujets du roi T. C. et ceux des Etats Unis, dans les etats respectifs, soit comme demandeurs, soit comme défendeurs, les uns envers les autres tant a l'occasion des fournitures, marchès, trafic, qu'ils feront ensembles, et des soldes qui en résulteront, que des lettres de change, assurances, avaries, faillities et de toutes autres causes civiles, et criminelles, relatives au commerce, ils seront portés dans le pays devant les tribunaux que devront en connoître en première instance et par appel, sans que sous aucune prétexte les consuls et vice consuls respectifs puissent s'y immiscer en aucune manière.

ARTICLE XV

L'utilité générale du commerce ayant fait établir en France des tribunaux et des formes particulières pour accélérer la décision des affaires de commerce, les négotians Américains jouiront du bénéfice de ces établissemens en France, et les Etats Unis procureront des avantages équivalents et coïncidents avec ces tribunaux et ces formes en faveur des négotians François dans les affaires de même nature.

ARTICLE XVI

Les sujets du roi très chrétien, et ceux des Etats Unis, qui justifieront être du corps de la nation respective, le certificat du consul ou vice consul du district faisant mention de leurs noms, surnoms, et du lieu de leur établissement comme inscrits dans les registres du consulat, ne pourront perdre pour telle cause que ce soit dans les domaines et états respectifs, la qualité de sujets du pays dont ils sont originaires, conformement à l'article 11 du traité d'amitié et de commerce du 6 Fevrier 1778, dont les présent article servira d'interprétation en cas de besoin; et les dits sujets respectifs jouiront, en conséquence, de l'exemption de tous services personnels dans le lieu de leur établissement, et en outre, ils ne pourront y être assujettis à aucune taxe relative à l'industrie.

ARTICLE XVII

Toutes les stipulations ci dessus fondées sur une exacte réciprocité, serviront dorénavant de regles, fixes, et invariables pour tous les objets, sur lesquels elles portent; mais si quelque autre nation conserve ou acquiert à tel titre que ce soit, ou en vertu d'une convention quelconque, un traitement plus favorable soit en

France, soit dans les Etats Unis, relativement aux consuls, vice consuls et agens, et à leur pré-éminences, pouvoirs, autorité et priviléges, les consuls, vice consuls et agens du roi très chrétien dans les Etats Unis, et les consuls, vice consuls et agens des Etats Unis en Frances y participeront aux termes stipulés par l'article 11 du dit traité d'amitié et de commerce conclu entre le roi très chrétien et les Etats Unis.

ARTICLE XVIII

Les ratifications de la présente convention, seront données en bonne forme et échangées de part et d'autre dans l'espace de six mois, ou plutôt si faire se peut.

En foy de quoi, &c.

Conforme à l'original resté par devers nous.

LE CHEVALIER DE LA LUZERNE.

A Philadelphie le 24 Juillet, 1781.[1]

[1] This memorial and plan of convention were entered only in the manuscript Secret Journal, Foreign Affairs. The following translation, in Charles Thomson's hand, was the paper considered by Congress. *It is in the Papers of the Continental Congress*, No. 25, II, folio 21.

[Translation]

A Plan of a Convention

Between the Most Christian King and the United States of North America, for the purpose of determining and fixing the functions and prerogatives of their respective Consuls, Vice Consuls and Agents.

The Most Christian King and the thirteen United States of North America, having mutually granted to each other by the 29 article of the Treaty of Amity and Commerce concluded between them the power of keeping in their respective States Consuls, Vice Consuls and agents, and being willing in consequence thereof to determine and fix in a lasting manner, and on terms of equality the functions and prerogatives of the said Consuls, Vice Consuls and Agents, have agreed as follows:

ARTICLE 1

The Consuls and Vice Consuls named by the Most Christian King and the United States, shall be obliged to present their appointments on their arrival in the respective States, and there shall be delivered to them the *exequatur* necessary for the exercise of their functions, and upon the exhibition which they shall make of that *exequatur*, the Governors, Presidents, Commandants, Chief Judges, Magistrates of the place

A report of the Board of War on the memorial of the owners and drivers of different brigades of waggons was read:

FOOTNOTE—Continued.

tribunals and other officers exercising authority in the ports and places of their Consulships shall cause them to enjoy there immediately and without difficulty the preëminences authority and privileges mutually granted, without exacting from the said Consuls and Vice Consuls any duty or emoluments, under any pretext whatsoever.

2

The Respective Consuls shall have power to establish Vice Consuls in the different Ports and places within their departments, where necessary: There shall in like manner be delivered to them the *exequator* necessary for the exercise of their functions, and upon the exhibition which they shall make of the said *exequatur*, they shall be admitted and recognized in the terms and according to the Powers, authority and privileges stipulated by the 1, 5, and 6 articles of this present Convention.

3

The respective Consuls and Vice Consuls shall only be taken from among the natural born subjects of the power nominating them. They shall all be appointed by their respective Sovereign, and in Consequence of such appointment they shall not exercise any traffic or commerce whatsoever either on their own account, or on account of any other.

4

The respective Consuls shall have power to establish agents in the different Ports and places within their department where necessary. These agents may be chosen from among the Merchants of their nation or strangers, and shall be furnished with a Commission from one of the said Consuls, and shall respectively be authorized to render to their respective merchants seamen and vessels all possible service, and to inform the nearest Consul or Vice Consul of the wants of the said merchants, seamen and vessels; but the said agents shall not in any respect participate in the immunities, rights and privileges granted to Consuls and Vice Consuls by the present Convention. Nor shall they exact any duty by virtue of their appointment under any pretence whatsoever.

5

The Consuls and Vice Consuls the officers of the consulship and generally all persons attached to the Consular functions shall respectively enjoy a full and entire immunity for their persons papers and houses. They shall be exempted from all personal service, and public offices, from finding quarters for soldiers, from militia duties, from watch, ward, guardianship curatelle, and from all duties, taxes, imposts and charges whatsoever, save on real estates which they shall own, which shall be subject to the Taxes imposed on the estates of all other individuals. They shall be at liberty to fix upon the outer door of their house the arms of their Sovereign, provided always that this mark of distinction, shall not give to the said house the right of asylum to any malefactor or criminal, who shall take refuge there; but he shall be immediately delivered up on the first requisition and without any difficulty.

*Ordered,* That the same be referred to the superintendant of finance.

FOOTNOTE—Continued.

6

The Most Christian King and also the United States, shall give precise and effectual orders in the ports and places within their jurisdiction, that no let or hindrance be given to the funeral rites and obsequies of any subject of the one or the other nation, who shall die within the territories of the other.

7

In all cases, generally whatever respecting the police and administration of justice, where it shall be necessary to have a judicial declaration of the said Consuls and Vice Consuls respectively, the Governor, President, Commandant, Chief Judges Magistrates of the place, tribunals or other officers whatever at their respective residence or Consulate having authority there shall be bound to give them notice thereof in writing or by sending to them a civil or military officer to inform them of the object in view and the necessity there is of going to them, and demanding from them that declaration, and the said Consuls and Vice Consuls, shall be bound on their part, readily and bona fide to do what shall be required of them on those occasions.

8

The respective Consuls and Vice Consuls shall have power to establish a Chancery, for depositing the Consular acts and deliberations, the effects left by persons deceased or saved from shipwreck, also the testaments, obligations, contracts, and in general all the acts and proceedings made and done by or between people of their nation. They shall of consequence have power to appoint capable persons to manage that Chancery, to admit them into office, to administer an oath to them, to give them the keeping of the Seal, and the right of sealing the Commissions, judgements and other acts of consulship and also to execute the office of Notaries and scribes.

9

The respective Consuls and Vice Consuls shall have the exclusive right of receiving in their Chancery or on board of vessels the declarations and all other acts, which the captains, masters, seamen, passengers and merchants of their nation shall be willing to give there, and their testament and other dispositions of a last will, and the copies of the said acts duly authenticated by the said Consuls or Vice Consuls, and under the seal of their Consulship shall be admitted in all Courts of Justice in France and the United States. They shall also have the exclusive right of making inventories and liquidating accounts and of proceeding to the sale of the personal effects left by the subjects of their nation who shall happen to die in the respective States. They shall proceed therein, with the assistance of two merchants of their said nation whom they shall choose and shall cause to be deposited in their Chancery the effects and papers of the said successions, nor shall any officer civil or military, of justice, or of the police of the Country be allowed to give them any interruption or disturbance whatever. But the said Consuls and Vice Consuls, shall not be at liberty to deliver up the property or the produce thereof, to the lawful heirs or their attorneys, until they have caused to be discharged all the debts which the deceased may have contracted in the Country by judgment by acts or by bills, the writing and signature of

The committee to whom was referred the letter, of 20, from the superintendant of finance; and

FOOTNOTE—Continued.
which shall be proved and certified by two noted merchants of the nation of the said deceased, and in all other cases the payment of debts shall not be ordained, but upon the creditors giving sufficient security by a Bondsman resident there, to return the sums unduly received, both principal interest and costs, which securities however shall be duly discharged after one year in time of peace, and after two years in time of war, if a demand in discharge cannot before that time be made against the heirs who shall appear.

10

The respective Consuls and Vice Consuls shall receive the declarations and protests of all Captains and Masters of their respective nations on account of damages at sea by leakage or throwing goods overboard, even though Foreign Merchants are interested in the Cargo; or the Captains and masters shall lodge in the Chancery of the said Consuls and Vice Consuls the protests, which they shall make in other Ports on account of the accidents that have happened to them during their voyage; and in both cases the said Consuls and Vice Consuls respectively shall settle the damage without delay by experienced persons of their nation whom they shall name ex officio and by experienced persons equally of each nation, where a stranger is interested in the cargo.

11

In case either by tempest or other accident, the ships or vessels of France shall be wrecked on the Coast of the United States, or the ships or vessels of the United States shall be wrecked on the Coast of France, the Consul or Vice Consul nearest to the place of shipwreck, shall have power to do whatever he shall judge proper, as well for saving the ship or vessel, her cargo and appurtenances as for storing and securing the effects and merchandize saved. He shall have power to take an inventory of them, nor shall any military officers nor officers of the Customs, or naval officers nor officers of Justice or of the police of the Country be allowed to interfere farther than by affording to the Consuls and Vice Consuls, the Captain and Crew of the vessel wrecked or stranded all the assistance and favour required of them either for the speedily saving and securing the effects, or for preventing the disorders, which too frequently accompany such accidents, to prevent all Interference of jurisdictions in case of shipwrecks, it is agreed that where there is no Consul or Vice Consul to assist in saving the wreck, or where the residence of the said Consul or Vice Consul not being at the place shall be farther distant than that of a competent territorial judge, this latter shall immediately promote with all expedition, the saving the wreck and the measures prescribed by their respective laws, provided always, that the Territorial Judge shall retire upon the coming of the Consul or Vice Consul, to whom he shall transfer the whole and commit the farther prosecution of the measures by him taken and the Consul or Vice Consul shall reimburse him the expences incurred. The merchandize saved shall be deposited in the nearest custom house or other nearest place of security, if there shall be no custom house, with an inventory made out by the Consul or Vice Consul, or in their absence by the judge who shall have had cognizance thereof, in order that the said merchandizes may after payment of the expence be afterwards delivered without any formal process to the owners, who being furnished with a release from the nearest

The Committee to whom was referred the letter from the Superintendant [of] Finance of the 20th instant respecting the supplying the S. Carolina and Georgia Prisoners lately exchanged and their families with rations &c. beg leave to Report the following resolutions Viz.

FOOTNOTE—Continued.

Consul or Vice Consul shall reclaim them in person or by attorney, either for the purpose of reexporting the merchandizes, in which case they shall not pay any kind of duties on exportation, or for the purpose of selling them in the country, if they are not there prohibited, and in this case the said merchandize being damaged an abatement shall be made on the import duties proportioned to the damage suffered, which shall be determined by the verbal process stated at the time of the wreck or stranding.

12

The Consuls and Vice Consuls of the Most Christian King established in the United States, and the Consuls and Vice Consuls of the United States in France, shall there exercise the police over all the vessels of their respective nations, and shall have on board the said vessels all power and jurisdiction in all discussions which can arise there. They shall have the entire inspection over the said vessels, their crews, the changes and the recompenses for making them, and also for whatever shall concern their navigation, and the observance of their respective laws ordinances and regulations.

They shall be at liberty to go on board the vessels of their nation arriving in the respective ports havens and roads, and that as often as they shall judge necessary for the performance of their office, nor shall any officers of the customs, or of the police or any other persons whatever prevent them.

They shall be at liberty to arrest and sequester all the vessels carrying the flag of their respective nation, and even to send them back respectively from France to the United States, and from the United States to France, and to arrest without any difficulty every captain master, seaman or passenger of their respective nation.

They shall be at liberty to reclaim sailors, deserters and the vagabonds of their respective nation, and to arrest and detain them in the country or to send them away and cause them to be transported out of the country: It shall be sufficient that the Consuls or Vice Consuls respectively can prove that the sailors, deserters and vagabonds, of what nation soever they be are inserted in the registers, or entered on the roll of the crew, and the one or other of these two pieces being sufficient to establish the validity of the claim and detention and of the transportation of the said seamen, deserters and vagabonds, none of them whether French or American shall in the respective countries either by himself or others, be at liberty to claim the benefit of the laws or authority of the country, all tribunals, judges and officers whatsoever being interdicted from all cognizance thereof. In all these cases, the said seamen, deserters and vagabonds shall be delivered to the reclaimers, whatever may be their engagements, and they shall not be engaged, detained or withdrawn in any manner, or by any person whatever, whether natives or foreigners, upon the requisition which the said Consuls or Vice Consuls shall cause to be made by persons authorised by them and entrusted with the requisition signed by them.

And for the execution of all the regulations above-mentioned, the governors, commandants, chief judges, magistrates of the place, tribunals, and other officers of the

That the Superintendant of Finance contract for supplying such of the said late Prisoners and their families with rations as shall obtain a certificate from some person to be appointed by the Delegates of the said two States—and that the Commissioners who were

FOOTNOTE—Continued

respective countries having authority there, shall be held and bound to assist the respective Consuls and Vice Consuls, and upon a simple requisition signed by them, saving the power of arresting, to detain and keep in prison, at the disposal and cost of the said Consuls and Vice Consuls, the sailors, deserters and vagabonds reclaimed, until they shall have an opportunity of putting them on board and sending them out of the country.

13

In case the subjects respectively shall commit any crime against any inhabitants of the country which deserves exemplary punishment, they shall be tried by the judges of the country.

14

The Consuls and Vice Consuls of the Most Christian King established in the United States, and the Consuls and Vice Consuls of the United States established in France shall to the exclusion of the tribunals of the country have cognizance there of all differences and processes which shall arise on land between the captains, masters, crews, passengers and traders of their respective nations. They shall settle them in an amicable manner, or decide them summarily and without costs, and the appeal from their judgments shall be carried respectively to the tribunals of France and the United States, that judge in the last resort and that ought to have cognizance thereof. They shall exercise these offices of private justice and of necessary police, nor shall any military officer, nor any officer of justice or of police in the country intermeddle or interpose in any manner whatever.

In case any differences or suits on account of their commerce shall happen either between French merchants living in France and their countrymen settled under the protection of the most Christian King in the United States, or between the American merchants dwelling in the United States and their countrymen settled under the protection of the United States in the Kingdom of France, the said differences and suits shall be brought to trial and decided between them in a summary way and without expence by the Consul or Vice Consul of their respective nation, and the appeals from their judgment shall be to the respective tribunals which judge in the last resort, whether in France or in the United States.

With respect to all other differences and suits that may arise between the subjects of the Most Christian King and those of the United States in the respective countries either as plaintiffs or defendents one against another, as well on account of bargains and traffic one with another and the payments to be made in consequence thereof, as for bills of exchange, insurances, damages at sea, bankruptcies, and all other causes civil and criminal relative to commerce, they shall be prosecuted in the country before the tribunals which ought to take cognizance thereof in the first instance and by appeal nor shall the respective Consuls and Vice Consuls under any pretence intermeddle therein in any manner.

15

The general advantage of commerce having given occasion to establish in France certain tribunals and particular forms for the speedy determination of commercial

appointed on the 24th instant to collect a loan and donation for the relief of the said sufferers, do out of the first monies which shall come into their hands for the purpose aforesaid pay into the hands of the said Superintendant of Finance so much of the said money as will from time to time enable him to discharge the said contract.[1]

The committee appointed "to confer with the superintendant of finance on the means proper to be adopted for the

FOOTNOTE—Continued.
matters, the American merchants shall enjoy the benefits of those establishments in France and the United States shall procure equal advantages coinciding with the tribunals and forms in favor of the French merchants in matters of the same nature.

16

The subjects of the Most Christian King and those of the United States, who shall prove that they are under the laws of their respective nation, the certificate of the Consul or Vice Consul of the district mentioning their names surnames and place of abode as inserted in the registers of the Consulship, shall not for any cause whatever lose in the respective dominions and States, the quality of subjects of the country to which they originally belong, conformably to the 11 article of the treaty of amity and commerce of the 6 Feby. 1778, of which this present article shall serve for an interpretation if occasion require, and the said subjects respectively shall consequently enjoy an exemption from all personal services in the place of their residence and moreover they shall not be subject to any tax relative to labour.

17

All the stipulations abovementioned being founded on an exact reciprocity shall henceforth serve for regulating fixing and rendering invariable all the objects to which they relate. But if any other Nation enjoys, or acquires under any title or in virtue of any convention whatever a more favorable treatment either in France or in the United States with regard to Consuls, Vice Consuls and agents, and their preëminences powers authority and privileges, the Consuls, Vice Consuls and agents of the most Christian King in the United States, and the Consuls, Vice Consuls and agents of the United States in France shall participate therein, agreeably to the terms of the 11 article of the said treaty of amity and commerce, concluded between the Most Christian King and the United States.

18

The ratifications of this present convention shall be delivered in good form and exchanged by one party and by the other in the space of 6 months or sooner if possible

In testimony whereof &c. agreeable to the original remaining with us.

Philadelphia the 24th July. 1781.

(Signed) Le Chev. DE LA LUZERNE.

[1] This report, in the writing of Samuel Livermore, is in the *Papers of the Continental Congress*, No. 19, IV, folio 329. It was ordered to be filed September 29, as the indorsement shows.

purpose of defraying the expences of the delegates of such of the states as from the events of the war may be unable to provide for their support during their attendance in Congress; also on the means for paying the salaries due to the civil officers and the clerks of the boards and offices immediately under Congress", delivered in their reports.

The report of the committee on the letter and papers from the president of New Hampshire was taken into consideration; and after debate,

Adjourned to 10 o'Clock to Morrow.

## SATURDAY, JULY 28, 1781

*Ordered*, That the memorial from the hon^ble^ the Minister plenipotentiary of France, and the plan of a convention for regulating the powers and privileges of consuls, vice consuls and agents, be referred to a committee of three:

The members, Mr. [Edmund] Randolph, Mr. [Nicholas] Van Dyke, Mr. [Oliver] Ellsworth.[1]

A report of the committee of the week was read; Whereupon,

*Ordered*, That a memorial of James Wharton, with the papers attending it, be referred to the Board of Treasury, and that they confer with the superintendant of finance on the subject thereof;

~~That the petition of Captain Von Heer be referred to the Board of War.~~

That a letter, of 27, from E. Smith, be referred to the Board of Treasury.[2]

[1] These two paragraphs were also entered in the manuscript Secret Journal, Foreign Affairs.

[2] This report, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 32, folios 201 and 203. Smith's letter is in No. 78, XXI, folio 91; Wharton's memorial, dated July 25, 1781, is in No. 78, XXIV, folio 333; the letter of transmittal is on folio 329.

A letter from Abr^m^ Haryls and Ebenezer Richmond was read:

*Ordered,* That it be referred to the Board of War.

Congress resumed the consideration of the report of the committee on the letter and papers from the president of New Hampshire, and, some time being spent thereon:

TREASURY OFFICE *July 27^th^ 1781*

The Board beg leave to lay before the United States in Congress assembled a letter from M^r^ Thomas Hutchins Geographer of the United States dated the 26^th^ instant requesting, beyond the payment of his debts here, an advance of 2000 dollars specie to enable him to join the Southern army. The Board also inform Congress they have no means in their power to supply any part of the sums demanded.[1]

Adjourned to 10 o'Clock on Monday.

## MONDAY, JULY 30, 1781

A letter, of 28, from Captain J. P. Jones, was read:

*Ordered,* That it be referred to the superintendant of finance to take order.

A letter, of 20, from E. Blaine, commissary general of purchases, was read:

*Ordered,* That it be referred to Mr. [Joseph] Montgomery, Mr. T[homas] Smith, Mr. [Isaac] Motte, the remaining members of the two committees on the mode of settling the quartermaster's and commissary's accounts.

The delegates of New Jersey laid before Congress a letter, of 23, from E. Dayton:

*Ordered,* That it be referred to the Board of War.

A letter, of 30, from P. S. Du Ponceau, was read.[2]

The Board of War, to whom was referred the application of Lieutenant Marcellin, delivered in a report; Whereupon,

[1] This report is in the *Papers of the Continental Congress,* No. 136, V, folio 419, and was read on this day, as the indorsement shows.

[2] Dayton's letter is in the *Papers of the Continental Congress,* No. 78, VII, folio 399; Du Ponceau's is in No. 59, III, folio 45.

AT THE BOARD OF WAR *July 28th 1781.*

Present Mr Peters
Col. Grayson
Genl. Cornell.

The Board have considered the application of Lieutenant Marcellin for permission to go to France on some family affairs also General St Clair's certificate importing that (from the particular situation of the Regiment to which he is attached) the service will not be injured by his absence.

The Board therefore Report,

*Ordered,* That Lieutenant Marcellin, of the 2d Pennsylvania regiment, have leave of absence till the 1st day of May, 1782, for the purpose of going to France on private business.[1]

The committee of the week was appointed:

Mr. [Jonathan] Elmer, Mr. [Nicholas] Van Dyke, Mr. [Joseph] Montgomery.

The report of the committee, ||consisting of Mr. Ellsworth, Mr. Clymer, Mr. Mathews, Mr. Sharpe, Mr. Madison,|| appointed to confer with the superintendent of finance on the means of defraying the expence of the delegates of such of the states, as from the events of the war may be unable to provide for their support during their attendance in Congress: also on the means for paying the salaries of the civil officers and clerks of the boards and offices immediately under Congress, was taken into consideration; Whereupon,

The Committee appointed to confer with the superintendant of finance on the means proper to be adopted for the purpose of defraying the expenses of the Delegates of such of the States, as from the events of the war may be unable to provide for their support during their attendance in Congress; also on the means for paying the salaries due to the civil officers and the clerks of the boards or officers immediately under Congress.

Report the following resolutions:

*Resolved,* That until ~~the said States shall be in condition to make provision for the support of their~~ the Delegates during their attend-

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 89.

ance in Congress. The Superintendant of Finance be authorized and directed to supply the said Delegates on their application a sum of money monthly in the following proportions viz. to the Delegates of North Carolina ~~a sum not exceeding 200 dollars per month to the delegates of South Carolina a sum not exceeding 300 dollars per month and to the delegates of Georgia a sum not exceeding 350 dollars per month~~ South Carolina and Georgia [to such of them as have their families with them each] a sum not exceeding 200 dollars per month, [and such as have not their families with them a sum not exceeding 150 Dollars a month]: The said sums to be charged to the said States respectively.

~~*Resolved*, That for the discharging the debts already incurred by the Delegates aforesaid, or any of them, warrants be granted on their respective application on the Loan Officer of the State of Pennsylvania, for the amount of their respective debts, which sums shall be likewise charged to the said States respectively.~~

~~Your committee beg leave to sit again.~~[1]

*Resolved,* That until the delegates for the states of North Carolina, South Carolina and Georgia, shall receive remittances from their respective states for their support during their attendance in Congress, the superintendant of finance be authorised and directed to supply such of them as have their families with them, a sum not exceeding two hundred dollars per month each, and to such as have not families with them one hundred and fifty dollars per month each, the said sums to be charged to the said states respectively; and [that the superintendant of finance be authorised and directed to make provision for discharging the arrears of pay due to the officers on the civil establishment of the United States, and for the future payment of their salaries as the same shall become due.][2]

[1] This report, in the writing of John Mathews, except the words in brackets, which are in the writing of Thomas McKean, is in the *Papers of the Continental Congress*, No. 26, folio 301.

[2] The resolution as adopted is in the writing of Thomas McKean, except the words in brackets which are in James Madison's writing. It is in the *Papers of the Continental Congress*, No. 26, folios 305 and 307.

A report from the Board of War on the letter from Haryls and Richmond was read:

*Ordered,* That the same, together with the letter, be referred to the superintendant of finance to take order.

On motion of Mr. [Elias] Boudinot, seconded by Mr. [William] Sharpe:

*Ordered,* That a committee of three be appointed to take into consideration the state of the American prisoners in the power of the enemy, and report:

The members, Mr. [Elias] Boudinot, Mr. [William] Sharpe, Mr. [George] Clymer.

A letter, of this day, from J. Brown, secretary of the Admiralty, was read, enclosing a letter, of 18, from the eastern navy board:

*Ordered,* That so much thereof as relates to prisoners be referred to the Board of War;

That the remainder be referred to the superintendant of finance.

A report of the Board of War, on the arrangements made and orders given by E. Cornell, at Springfield, was read; Whereupon,

AT A BOARD OF WAR *July 30th, 1781.*

Present, Mr. Peters
Colonel Grayson.

The Board having considered the arrangements made and orders given at Springfield by General Cornell when at that place, and fully approve of the same copies whereof they have the honor to enclose, and in order that the said arrangements may be made complete, the Board beg leave to suggest the following resolution:

*Resolved,* That John Bryan be continued a Captain in the laboratory and William Hawes a Captain of Artificers at Springfield, and that all and every other officer in the Laboratory or Corps of Artificers at that place be and they hereby are discharged from the service of the United States.[1]

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 97.

*Resolved*, That the Board of War be, and they are hereby empowered to continue such of the officers in the laboratory and artificers at Springfield, as the good of the service may require, and to remove all and every other officer in the laboratory or corps of artificers at that place, and proceed to make such farther reforms in the department of the commissary of military stores at other posts as they judge may conduce to the public interest.

Adjourned to 10 o'Clock to Morrow.

## TUESDAY, JULY 31, 1781

Mr. [James] Duane and Mr. [Ezra] L'Hommedieu, two delegates for the State of New York, attended.

A letter, of 23, from the governor of the State of New York, was read.[1]

A report from the Board of War on the petition of Lieutenant D. Campbell and memorial of Lieutenant Pepin, was read:

WAR OFFICE *July 28. 1781.*

SIR,

The Board have considered the memorial of Lieutenant Duncan Campbell, and beg leave to observe that their opinion on the subject is set forth in the report on a former memorial from this Gentleman to which they beg leave to refer. Any provision made for him will establish a precedent affecting all supernumerary officers who will doubtless exhibit claims, and those of the States in the power of the enemy, will think themselves peculiarly entitled to compensation. If however Congress are pleased to think that there are particular circumstances attending the situation of the Canadian officers, which do not reach the cases of other officers discharged under the same arrangement, and that provision can be made for them without introducing a multiplicity of claims and creating much jealousy among other officers, they will please to resolve,

That the Treasury Board be directed to cause the accounts for pay and depreciation of the Canadian officers, who have been dis-

[1] This letter is in the *Papers of the Continental Congress*, No. 67, II, folio 418.

charged the service of the United States as Supernumeraries under the arrangement of the Army made in the year 1779 to be adjusted in Specie, and that such officers respectively receive Loan office certificates for the Ballances due them.

This report will include the Case of Andrew Pepin. The Canadian officers have been constantly drawing rations for themselves and families since their being discharged either at Albany or Philadelphia, at which latter Post we have been obliged lately to discontinue furnishing them, as no provision was made for them in the Contract made by the Superintendant of Finance. We mention this circumstance for the information and consideration of Congress.[1]

*Ordered*, That so much thereof as relates to rations be re-committed.

The committee, ||consisting of Mr. Carroll, Mr. Bland, Mr. Varnum,|| appointed to confer with the Commander in Chief, the Board of War, and the superintendant of finance, made report; Whereupon,

*Ordered*, That one of the members of the Board of War be, and he is hereby directed to repair to head quarters with the superintendant of finance, in order to consult with the Commander in Chief on the subject of the arrangement and numbers of the army for the ensuing year.

*Ordered*, That on the application of Mr. [William] Sharpe, one of the delegates for North Carolina, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, for two thousand five hundred dollars new emission;

That on the application of Mr. [George] Walton and Mr. [Richard] Howly, delegates for the State of Georgia, warrants issue on Thomas Smith, commissioner aforesaid, one in favour of Mr. [George] Walton for twelve hundred dollars, and one in favour of Mr. [Richard] Howly for two thousand one hundred dollars like emissions; and

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 105.

That on the application of Mr. [Isaac] Motte, one of the delegates for the State of South Carolina, a warrant issue in his favour on Thomas Smith, commissioner aforesaid, for eleven hundred and ten dollars like emissions, for which several sums the said states respectively are to be accountable.

Mr. [Thomas] Bee laid before Congress accounts against him and Mr. [Isaac] Motte, by Mr. Hiltzeimer, for keeping their horses in the public stables:

*Ordered,* That they be transmitted to the Board of Treasury, and that the amount thereof be charged to the account of the State of South Carolina.

According to the order of the day, Congress resumed the consideration of the report on the letter and papers from the president of the State of New Hampshire, and after debate:

*Ordered,* That the same be referred to a committee of five:

The members, Mr. [Nicholas] Van Dyke, Mr. [Daniel] Carroll, Mr. [Theodorick] Bland, Mr. [Roger] Sherman, Mr. [Daniel] Mowry.

The report of the committee on the report of the Board of War respecting Major Brahme was taken into consideration; Whereupon,

*Ordered,* That so much of Major Brahme's letter, of 16, as relates to horses be referred to the Board of War to take order; and that ~~what relates to money be referred to the Board of Treasury~~ the draughts made by the Board of War for three months be at the nominal sum in bills of the new emission.

The report of the committee, ||consisting of Mr. Clymer, Mr. Root, Mr. Johnson,|| on the letter from General Sullivan of the 25 November, 1780, was taken into consideration; Whereupon,

The Committee upon Gen Sullivan's letter of the 25 of Novr. having taken the same, under their consideration, report as follows—

*Ordered*, That the Board of Treasury pass to the credit of General Sullivan the following sums in specie, viz. one hundred dollars as a compensation for the expences incurred by him in securing the military stores and ordnance in Fort William and Mary, New Hampshire, in the year 1775, and distributing them in various parts of the country for the use of the United States; one thousand dollars for the extraordinary expences, necessarily incurred by him on several occasions, as the commanding officer in a seperate department, for which no provision or compensation has been made; and four hundred dollars as a reimbursement of the expence incurred by him, after his resignation for the recovery of his health, which he had lost in the service and was thereby induced to retire.

With respect to his claim upon the United States set forth in his said letter for depreciated pay: tho' they are of opinion that the said claim is such as might justly entitle him to compensation, yet as it must be determined on principles which will include the cases of many others not provided for—Your Committee cannot with propriety report specially thereon, but refer it to Congress whenever they may deem it expedient to enter into the consideration.[1]

*Ordered*, That the remainder be referred to the committee on the report of the Board of War on an allowance to the staff of the army for depreciation;

That two members be added to that committee:

The members, Mr. [John] Mathews, Mr. [Nicholas] Van Dyke.

A report from the Board of War was read, enclosing accounts against the United States for the support and tuition of three Indian boys at Princetown; Whereupon,

*Ordered*, That the same be referred to the Board of Treasury; and that the Board devise ways and means for furnish-

[1] This report, in the writing of Oliver Ellsworth, is in the *Papers of the Continental Congress*, No. 19, V, folio 443. A copy is in No. 41, IX, folio 257.

ing Colonel George Morgan with the sum of one hundred and thirty-seven pounds currency of New Jersey, in specie, to enable him to pay for the support and tuition of three Indian boys of the Delaware nation, now at Princetown college; for which sum Colonel George Morgan is to be accountable.

Adjourned to 10 o'Clock to Morrow.[1]

## WEDNESDAY, AUGUST 1, 1781

The committee of the week made report; Whereupon,

*Ordered*, That a letter, of 26 July, from John Wereat, with the papers enclosed, be referred to a committee of three:

The members, Mr. [Samuel] Livermore, Mr. [Daniel of St. Thomas] Jenifer, Mr. [John] Mathews;

That the letter of the 27th of July from Timothy Pickering, Quartermaster General, addressed to the President of Congress, with its enclosures, be also referred to a special committee.

That a letter, of 27 July, from Colonel T. Pickering, with the papers enclosed, be referred to the Board of War;[2] and

That a letter, of 31 July, from Monsr de Roquebenne, be referred to the ~~Board of Admiralty~~ Committee of Commerce.[3]

On motion of Mr. [Roger] Sherman, seconded by Mr. [James Mitchell] Varnum,

*Ordered*, That the Committee on the Post Office, the superintendant of finance, and postmaster general, prepare and report the state of the present expences of the Post Office, and a system for regulating the same in future.

[1] The following motion was offered this day by James Mitchell Varnum, seconded by John Sullivan, as the indorsement shows:

*Resolved*, That on the day of August next, Congress will adjourn to the first day of November next, then to convene at in the State of

It is in the *Papers of the Continental Congress*, No. 36, I, folio 213, and in the writing of James Mitchell Varnum.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 423.

[3] This report, in the writing of Jonathan Elmer, is in the *Papers of the Continental Congress*, No. 32, folio 205.

The committee to whom was referred the communications of the hon^ble^ the Minister plenipotentiary of France, delivered in a report.[1]

*Ordered,* That on the application of Mr. [William] Sharpe, a delegate for the State of North Carolina, a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, in favour of Griffith Rutherford, brigadier-general, and Isaacs, a colonel of militia of the State of North Carolina, lately arrived in this city from captivity at St. Augustine, for the sum of three thousand dollars new emission, to be charged to the said State of North Carolina.

*Ordered,* That a member be appointed to the Board o. Treasury in the room of Mr. T[homas] Smith, who is unable to attend on account of sickness:

The member, Mr. [Ezra] L'Hommedieu.

A motion was made by Mr. [James Mitchell] Varnum, seconded by Mr. [Ezra] L'Hommedieu,

That a committee be appointed to enquire into the facts mentioned in the intercepted letter of the 7th February last, from Lord George Germain to Sir Henry Clinton, and report the result of their inquiries to Congress.

A motion was made by Mr. [Theodorick] Bland, seconded by Mr. [John] Sullivan, that that motion be postponed;

On the question for postponing, the yeas and nays being required by Mr. [James Mitchell] Varnum,

| | | | | | |
|---|---|---|---|---|---|
| *New Hampshire,* | | | *Rhode Island,* | | |
| Mr. Sullivan, | ay | ay | Mr. Mowry, | no | no |
| Livermore, | ay | | Varnum, | no | |
| *Massachusetts,* | | | *Connecticut,* | | |
| Mr. Lovell, | ay | no | Mr. Ellsworth, | no | no |
| Partridge, | no | | Sherman, | no | |
| Osgood, | no | | | | |

[1] This paragraph was also entered in the manuscript Secret Journal, Foreign Affairs.

| | | | |
|---|---|---|---|
| *New York,* | | | |
| Mr. Duane, | no | } no | |
| L'Hommedieu, | no | | |
| *New Jersey,* | | | |
| Mr. Boudinot, | ay | } ay | |
| Elmer, | ay | | |
| *Delaware,* | | | |
| Mr. McKean, | ay | } ay | |
| Van Dyke, | ay | | |
| *Maryland,* | | | |
| Mr. Jenifer, | ay | } div. | |
| Carroll, | no | | |
| *Virginia,* | | | |
| Mr. Jones, | no | } ay | |
| Madison, | ay | | |
| Bland, | ay | | |
| Randolph, | ay | | |
| *North Carolina,* | | | |
| Mr. Sharpe, | ay | } * | |
| *South Carolina,* | | | |
| Mr. Mathews, | ay | } ay | |
| Motte, | no | | |
| Eveleigh, | ay | | |
| *Georgia,* | | | |
| Mr. Walton, | no | } * | |

So the question was lost.

On the question to agree to the motion, the yeas and nays being required by Mr. [James Mitchell] Varnum,

| | | | |
|---|---|---|---|
| *New Hampshire,* | | | |
| Mr. Sullivan, | no | } no | |
| Livermore, | no | | |
| *Massachusetts,* | | | |
| Mr. Lovell, | no | } no | |
| Partridge, | no | | |
| Osgood, | ay | | |
| *Rhode Island,* | | | |
| Mr. Mowry, | ay | } ay | |
| Varnum, | ay | | |
| *Connecticut,* | | | |
| Mr. Ellsworth, | ay | } ay | |
| Sherman, | ay | | |
| *New York,* | | | |
| Mr. Duane, | ay | } ay | |
| L'Hommedieu, | ay | | |
| *New Jersey,* | | | |
| Mr. Boudinot, | no | } no | |
| Elmer, | no | | |
| *Delaware,* | | | |
| Mr. McKean, | no | } no | |
| Van Dyke, | no | | |
| *Maryland,* | | | |
| Mr. Jenifer, | ay | } ay | |
| Carroll, | ay | | |
| *Virginia,* | | | |
| Mr. Jones, | no | } ay | |
| Bland, | ay | | |
| Randolph, | ay | | |
| *North Carolina,* | | | |
| Mr. Sharpe, | no | } * | |
| *South Carolina,* | | | |
| Mr. Mathews, | no | } no | |
| Motte, | ay | | |
| Eveleigh, | no | | |
| *Georgia,* | | | |
| Mr. Walton, | ay | } * | |

So the question was lost.

The committee to whom was referred the report on General Sullivan's letter delivered in a report.

The Committee to whom was referred Major General Sullivan's letter of the —, report the following Resolutions:

The United States in Congress assembled—considering the merit and faithful services of Major General Sullivan in the Army of the United States, from the commencement of the War until the day of when he resigned his office of Major General merely on account of his ill state of health occasioned by the fatigues and hardships which he underwent in the said service,

*Resolved*, That it be recommended to the State of New Hampshire, to make good to him the depreciation of his pay for the time he continued in service in like manner as has been done for the officers in the line of said State now in service.

*Resolved*, That each State who shall advance more money than its proportion in making good the depreciation to their Citizens, in Continental service, shall be allowed for the same in account with the United States.[1]

Adjourned to 10 o'Clock to Morrow.

## THURSDAY, AUGUST 2, 1781

A letter, of 27 July, from J. Storey, was read:

*Ordered*, That so much thereof as relates to the grant of a sum on account of pay already due and the mode of paying him for services since General Greene's resignation as quartermaster general, be referred to the Board of War.

A letter, of 1, from Captain O'Neill, was read:[2]

*Ordered*, That it be referred to the Board of War.

The committee to whom was re-committed the report on the letter of the president of the State of New Hampshire, of the 20 June last, and the papers accompanying the same, delivered in a report:

The Committee to whom was recommitted the report on the Letter of the President of the State of New Hampshire of the 20th of June last and the papers accompanying the same,

[1] This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 19, V, folio 451. Another copy is in No. 41, IX, folio 261.

[2] O'Neill's letter is in the *Papers of the Continental Congress*, No. 78, XVII, folio 329.

Report

That in the opinion of your Committee Congress are fully authorized by the Act of Assembly of the State of New York passed October the 21, 1779, and the Act of Assembly of the State of New Hampshire passed the 17th of November in the same year to determine all disputes or differences relative to Jurisdiction which they may have respectively with the people inhabiting the district called New Hampshire Grants on the West side of Connecticut River and therefore submit the following resolve:

That Congress will on Monday next take into consideration all differences and disputes relative to Jurisdiction which the States of New Hampshire and New York may respectively have with the people inhabiting the District called New Hampshire Grants on the West side of Connecticut River.

But should Congress be of opinion that it would tend more to the general safety of the union and to restore peace, harmony, and good Government in the respective States and the people inhabiting the Territory called Vermont claiming the Jurisdiction aforesaid your Committee submit the following resolves:

That copies of the Act of the General Assembly of the Commonwealth of the Massachusetts of the 8th March last respecting the disputed Territory situate on the West side of Connecticut River commonly called the New Hampshire Grants be transmitted to the States of New Hampshire and New York and that it be recommended to the said States to pass similar acts.

That in case the said States shall relinquish their respective claims to said District called the New Hampshire Grants or the State of Vermont bounded East by Connecticut River South by the North Line of the State of Massachusetts, West part by Lake Champlain to the West Line of the Township of Dunbar from by the West Lines of several Townships formerly granted by the Governor of New Hampshire to the North West Corner of the State of Massachusetts and bounded North by Latitude forty five degrees. The United States in Congress Assembled will guaranty to the States of New Hampshire and New York all the lands respectively belonging to them lying without the limits aforesaid and the Jurisdiction over the same against any claims or encroachments from the people inhabiting within the limits before described.

That in case the States of New Hampshire and New York offer to relinquish their claims agreeable to the aforesaid recommendation of

Congress, and the people inhabiting the Territory commonly called Vermont shall claim or exercise Jurisdiction over any of the Territory guarantied as above Congress will consider such acts as a denial of the Jurisdiction of the United States in Congress Assembled as a proof of their inimical disposition, and designs against the general welfare of the United States and will proceed on the day of to determine all differences between the States of New Hampshire and New York relative to their respective boundaries.[1]

*Ordered,* That the same be taken into consideration to Morrow.

A report from the Board of Treasury was read; Whereupon,

*Resolved,* That the arrearages and salaries due to officers on the civil list, shall be ascertained in specie value, and warrants for their respective balances, issued by the Board of Treasury under their seal, upon the commissioner of the loan office of the State where the United States in Congress assembled, shall hold their sessions; and where any such specie warrants shall be granted to officers on that establishment, which can with more convenience be discharged by the said commissioner in paper currency issued under the act of the 18 of March, 1780, the same shall be discharged according to the rate of depreciation at the time of payment, on a comparison of the same with specie:

That to enable the loan officer to make such payment in specie value, the Board of Treasury shall once a month, or oftener if they shall judge proper, ascertain the depreciation of the currency aforesaid, and instruct the said loan officer to make his payments agreeable thereto.

*Ordered,* That on the application of Mr. [John] Mathews, one of the delegates for the State of South Carolina, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, for twelve

[1] This report, in the writing of Daniel Carroll, is in the *Papers of the Continental Congress,* No. 40, II, folio 81.

hundred dollars of the new emission, for which the State of South Carolina is to be accountable.

That on the application of Mr. [Nicholas] Eveleigh, another delegate of the said State of South Carolina, a warrant issue in his favor for fifteen hundred dollars of the new emission, for which the State of South Carolina is to be accountable.[1]

A report from the Board of War was read; Whereupon,

AT A BOARD OF WAR *August 2nd, 1781.*

Present Mr Peters
Col. Grayson
General Cornell

The Board beg leave to inform Congress that there are a great proportion of the officers of the Pennsylvania Line now in the State, who have received no pay or warrants on the Paymaster out of the six months' pay in the new bills for which warrants were drawn in favor of the Paymaster General, and a number of Artillerymen who are constantly at work in the Laboratory, all of them are very pressing for some part of the pay due them, and we have reason to believe many are really in a distressed situation on that account. From the foregoing state of facts we submit the propriety of warrants being drawn on the Paymaster General in favor of the above mentioned persons for six months' nominal pay in bills of the new emission. Should Congress approve of the measure it may be proper to resolve,

*Ordered*, That the Board of War draw warrants on the paymaster general, in favour of the officers, non-commissioned officers and privates of the Pensylvania line who have not since the fourth day of January last had warrants drawn in their favour; and for the artillerymen at work in the laboratory for six months' nominal pay in bills of the new emission on account.[2]

The report of the committee, ||consisting of Mr. Montgomery, Mr. Sherman, Mr. Mathews, Mr. Vandyke,|| to whom was referred a part of the report on General Sullivan's

[1] This report is in the *Papers of the Continental Congress*, No. 136, V, folio 429.
[2] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 109.

letter of 25 of November last, was taken into consideration; and on the question, "That it be recommended to the State of New Hampshire to make good to General Sullivan the depreciation of his pay for the time he continued in service, in the like manner as has been done for the officers in the line of the said State now in service": the yeas and nays being required by Mr. [Samuel] Livermore,

| | | | |
|---|---|---|---|
| *New Hampshire,* | | | |
| Mr. Livermore, | ay | * | |
| *Massachusetts,* | | | |
| Mr. Partridge, | ay | ay | |
| Osgood, | ay | | |
| *Rhode Island,* | | | |
| Mr. Mowry, | ay | div. | |
| Varnum, | no | | |
| *Connecticut,* | | | |
| Mr. Ellsworth, | no | div. | |
| Sherman, | ay | | |
| *New York,* | | | |
| Mr. Duane, | no | no | |
| L'Hommedieu, | no | | |
| *New Jersey,* | | | |
| Mr. Boudinot, | no | no | |
| Elmer, | no | | |
| *Pennsylvania,* | | | |
| Mr. Montgomery, | no | no | |
| Clymer, | no | | |
| *Delaware,* | | | |
| Mr. McKean, | no | no | |
| Van Dyke, | no | | |
| *Maryland,* | | | |
| Mr. Jenifer, | no | div. | |
| Carroll, | ay | | |
| *Virginia,* | | | |
| Mr. Jones, | no | no | |
| Bland, | no | | |
| M. Smith, | no | | |
| Randolph, | no | | |
| *North Carolina,* | | | |
| Mr. Sharpe, | ay | * | |
| *South Carolina,* | | | |
| Mr. Mathews, | no | no | |
| Bee, | no | | |
| Motte, | no | | |
| Eveleigh, | no | | |
| *Georgia,* | | | |
| Mr. Walton, | no | div. | |
| Howly, | ay | | |

So it passed in the negative.[1]

The committee to whom was referred the letter, of 9 July, from the superintendant of finance, delivered in a farther report:

*Ordered*, That the consideration thereof be assigned for to Morrow.

[1] A copy of the proceedings and vote on the Sullivan resolution as an extract from the minutes is in the *Papers of the Continental Congress*. No. 41, IX, folio 265.

*Ordered*, That Monday next be assigned for considering the report of the committee on the communications from the hon^ble^ the Minister of France.

A letter, of 2 January, from J. de Neuville & Sons was read.[1]

A motion was made by Mr. [James Mitchell] Varnum, seconded by Mr. [Roger] Sherman:

*Resolved*, That from and after the first day of September next the privilege of franking letters cease.

*Resolved*, That the Committee upon the Post Office, the Superintendant of Finance and Post Master General prepare and report [the state of the present expence of the Post Office and a] system for regulating the same in future.[2]

*Ordered*, That it be referred to the Board of War.

Adjourned to 10 o'Clock to Morrow.

## FRIDAY, AUGUST 3, 1781

A letter, of 23 June, from Major General Greene, with one enclosed and directed to him from Lieutenant Colonel H. Lee, dated 20th of the said month, was read, respecting a proposal for arming in a new manner the infantry of Colonel Lee's legion:[3]

*Ordered*, That the same be referred to the Board of War to take order.

A letter, of 30th July, from General Washington; and

A letter, of 26th July, from Major General the Marquis de la Fayette, were read.[4]

A letter, of 21 July, from the navy board eastern department was read, recommending that Mr. Buckley, who has

[1] This letter is in the *Papers of the Continental Congress*, No. 145, folio 53.

[2] This motion, in the writing of James Mitchell Varnum, except the portion in brackets which is in Thomas McKean's writing, is in the *Papers of the Continental Congress*, No. 36, I, folio 209.

[3] This letter is in the *Papers of the Continental Congress*, No. 155, II, folio 187.

[4] Washington's letter is in the *Papers of the Continental Congress*, No. 152, X, folio 179; Lafayette's is in No. 156, folio 204.

served as a master of the *Alliance* from her first going to sea may be promoted to a lieutenancy in the ship:

*Ordered*, That the navy board eastern department be informed that as there is no vacancy Congress do not think proper to agree to the recommendation.

A memorial of the delegates, as agents for the State of New York, respecting the controverted jurisdiction of the district called the New Hampshire Grants, was read.[1]

The committee, ||consisting of Mr. Boudinot, Mr. Sharpe, Mr. Clymer,|| appointed to take into consideration the state of the American prisoners in the power of the enemy, report,

That they have collected together and cursorily looked into various evidences of the treatment our unhappy fellow-citizens, prisoners with the enemy, have heretofore and still do meet with, and find the subject of so important and serious a nature as to demand much greater attention, and fuller consideration, than the present distressed situation of those confined on board the prison-ships at New York will now admit of; wherefore, they beg leave to make a partial report, and desire leave to sit again:

They accordingly submitted a report; Whereupon,

*Resolved*, That it appears to Congress that a very large number of marine prisoners and citizens of these United States, taken by the enemy, are now close confined on board prison-ships in the harbour of New York:

That the said prison-ships are so unequal in size to the number of prisoners, as not to admit of a possibility of preserving life in this warm season of the year, they being crowded together in such a manner as to be in danger of suffocation, as well as exposed to every kind of putrid and pestilential disorder:

That no circumstances of the enemy's particular situation can justify this outrage on humanity, it being contrary to

[1] This memorial is in the *Papers of the Continental Congress*, No. 40, II, folio 37.

the usage and custom of civilized nations, thus deliberately to murder their captives in cold blood, as the enemy will not assert that prison-ships, equal to the number of prisoners, cannot be obtained so as to afford room sufficient for the necessary purposes of life:

That the enemy do daily improve these distresses to inlist and compel many of our citizens to enter on board their ships of war, and thus to fight against their fellow-citizens and dearest connections:

That the said marine prisoners, until they can be exchanged, should be supplied with such necessaries of cloathing and provisions as can be obtained to mitigate their present sufferings:

That, therefore, the Commander in Chief be, and he is hereby, instructed to remonstrate to the proper officer within the enemy's lines, on the said unjustifiable treatment of our marine prisoners, and demand, in the most express terms, to know the reasons of this unnecessary severity towards them; and that the Commander in Chief transmit such answer as may be received thereon, to Congress, that decided measures for due retaliation may be adopted, if a redress of these evils is not immediately given:

That the Commander in Chief be, and he is hereby, also instructed to direct the supplying the said prisoners with such provisions and light clothing, for their present more comfortable subsistence, as may be in his power to obtain, and in such manner as he may judge most advantageous for these United States.[1]

*Ordered,* That the committee have leave to sit again.

The report of the committee on the letter from the president of New Hampshire, with the papers enclosed, was taken into consideration, and after debate:

[1] This report, in the writing of Elias Boudinot, in in the *Papers of the Continental Congress*, No. 28, folio 49.

*Ordered*, That it, together with a motion made by Mr. [Elias] Boudinot, seconded by Mr. ~~Mathews~~ [John] Sullivan, be re-committed.[1]

The Board of War, to whom was referred part of the letter of J. Storey, delivered in a report; Whereupon,

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, in favour of John Storey, late assistant quartermaster, for two hundred dollars in specie on account of his former pay, for which sum Major General Greene, late quartermaster general, is to be accountable;

That J. Storey, late assistant quartermaster, settle the pay due for his services from the time of the late quartermaster general's resignation until the twenty-first day of April last with Major General Greene, and from and after the said twenty-first day of April he shall settle his accounts for pay with the auditors of the army and receive warrants for such sums as may be found due, from the Commander in Chief on the paymaster general in the usual manner.[2]

The delegates for the State of New York laid before Congress sundry papers relative to the subject contained in the letter, of 27 July, from Colonel T. Pickering:[3]

*Ordered*, That they be referred to the Board of War.

Adjourned to 10 o'Clock on Monday.

[1] Boudinot's motion was as follows:

*Resolved*, That a Committee of be appointed to repair to and there to meet Committees from the State of New York and New Hampshire and the people inhabiting &c. in order to settle and adjust the terms on which the said people may be recognized as a free and independent State and received into the General Union.

It is in the *Papers of the Continental Congress*, No. 40, II, folio 82.

[2] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 113.

[3] These papers are in the *Papers of the Continental Congress*, No. 78, XVIII, folio 427–451.

**MONDAY, AUGUST 6, 1781**

A letter, of 2, from General Washington, with sundry papers enclosed, was read:[1]

*Ordered*, That the same be referred to a committee of three:

The members, Mr. [Theodorick] Bland, Mr. [Elias] Boudinot, Mr. [James Mitchell] Varnum.

A letter, of 4, from the governor of Maryland, with sundry papers enclosed touching the movements and destination of the enemy's force up Chesapeak Bay:[2]

*Ordered*, That the same be referred to the Board of War, and that copies be sent to the presidents of the States of Pensylvania and Delaware.

A letter, of 28 July, from the governor of Virginia, was read.[3]

A report of the committee of the week was read; Whereupon,

*Ordered*, That a letter, of July 17, from Udney Hay be referred to the Board of Treasury;

That a petition and account of John Chesnut and Leonard Martz be referred to the Board of War.

A report from the Board of Treasury, on the accounts of A. Lee, esq. was read, wherein pursuant to the order of 29 May last, they state his extraordinary expences in Europe, including articles purchased, and said to be returned as per account, livres 19,836:14:6; and his ordinary expences in Europe, and from Boston, livres 135,361:3:10; that the sum charged by Mr. Lee, for supplies sent to the State of Virginia, (part of the moneys he received for the public use,) amounting to livres 66,853:0:10 are

[1] This letter is in the *Papers of the Continental Congress*, No. 152, X, folio 183. It is printed in the *Writings of Washington* (Ford), IX, 324.

[2] This letter is in the *Papers of the Continental Congress*, No. 70, folio 481.

[3] This letter is in the *Papers of the Continental Congress*, No. 71, II, folio 117.

acknowledged to have been received, and for which the governor and council of that State, by their certificate, dated the 13 of March last, and filed in the treasury office, promise to account with the United States; and that there remains due to him for his salary, and that of his secretary, the sum of two thousand two hundred and thirty-eight pounds, seventeen shillings and nine pence, sterling; Whereupon,

TREASURY OFFICE *Aug 6th 1781*

In compliance with the order of Congress of the 29th of May the Accounts of the Honble Arthur Lee were committed for settlement and the Commissioners of Accounts and Auditor General have twice reported to this Board thereon, as appears by their reports Nº 2290 and 2396 herewith submitted. In addition to the Reports aforesaid this Board beg leave to state the following facts:

That genuine and original invoices appear from Gardoqui & Sons of Bilboa and Mr Bondfield of Bordeaux to about the amount of their Drafts on Mr Lee paid by Grand his Banker.

That ten different Invoices of goods have been shipped by Gardoqui & Sons from Bilboa amounting to 673,568 rials vellon and thirty two Marvedies, six of which appear to have been shipped for the port of Boston and consigned to Elbridge Gerry, but are not accompanied with any bills of lading, receipts or writings whatever, whereby any person can be charged or in any way made accountable.

The four remaining Invoices appear to have been shipped for "any port of the thirteen United States" and addressed to "any of the continental agents"—for which there are bills of lading, but no receipts or writing whatever, whereby any Person can be charged, or in any way made accountable for them. That two invoices of goods appear to have been shipped by John Bondfield at Bordeaux for the Ports of Boston and Virginia amounting to 54,178 Livres 19 Sols and two deniers and consigned to the Continental agent of Congress, but no receipts or writings whatever whereby any person can be charged or in any way made accountable. That the other parts of Mr Lee's accounts appear to be stated agreably to the intention of Congress Mr Lee having declared upon his honor in writing that his accounts of expences, ordinary and extraordinary, are to the best of his knowledge justly charged.

That the sum charged by Mr. Lee for supplies sent to the State of Virginia (part of the monies he received for the public use) amounting to 66,853:0:10 are acknowledged to have been received, and for which the Governor and Council of that State by their Certificate dated the 13 of March last, and filed in this Office, promise to account with the United States.

If the United States in Congress Assembled agree to this State, the Accounts of Mr. Lee's Foreign Transactions are closed, and there remains due to him for his salary and that of his Secretary, by the Report of the Commissioners of the Chambers of Accounts of the 27th of December last the sum of Two thousand two hundred thirty eight pounds seventeen shillings and nine pence Sterling.[1]

*Resolved*, That Congress agree to the report, allowing the foregoing accounts to the credit of Mr. A. Lee.

[A letter, of this day, from John Owen, was read:[2]

*Ordered*, That it be referred to the Board of Treasury.

The Board of War, to whom was referred the letter, of the 1st, from Captain O'Neil, delivered in a report; Whereupon,

WAR OFFICE *August 3rd 1781*

Present Mr Peters
Col. Grayson

SIR,

The Board have considered the memorial of Capt. O'Neal referred to them by Congress, and beg leave to observe, that much time was spent last winter and a full investigation made into his claims and pretentions upon which Congress passed their acts of the 21st of February and 5th of March last. The Board think it unnecessary to observe farther,

Therefore report as their opinion that the prayer of the Memorialist is altogether inadmissible either upon principles of policy or utility.[3]

*Resolved*, That Captain O'Neil be informed that the request contained in his letter of the 1st instant cannot be complied with.][4]

[1] This report is in the *Papers of the Continental Congress*, No. 136, V, folio 433.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XVII, folio 333.

[3] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 117.

[4] The portion in brackets was entered by George Bond.

The committee of the week, Mr. [George] Partridge, Mr. [James] Duane, [Mr. Richard] Howly.

Adjourned to 10 o'Clock to Morrow.

## TUESDAY, AUGUST 7, 1781

A memorial of Colonel James Livingston was read:

*Ordered,* That it be referred to the Board of War.

A memorial of Ryer Shermerhorn was read:

*Ordered,* That it be referred to the Board of Treasury.

*Ordered,* That the Board of War advance to Major Brahme such a sum as they judge necessary to enable him to leave town and proceed agreeably to the orders of his superior officer.

A report of the committee of the week was read; Whereupon,

*Ordered,* That a memorial of Jacob Schreiber; and

A petition of John Francis be referred to the Board of War.[1]

The committee, ||consisting of Mr. Mathews, Mr. Varnum, Mr. Ellsworth,|| to whom were referred the letters of the 1st and 5 July, from the governor of New York, delivered in a report; Whereupon,

It appearing to Congress from the representation of Governor Clinton and other information, that commissions have been granted by the governor of the State of Connecticut, for the purpose of suppressing commerce from the enemy into that State, authorising the persons to whom those commissions are granted, among other things, to go on Long Island and other islands adjacent, and seize the goods and mer-

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress,* No. 32, folio 211.

Livingston's memorial is in the *Papers of the Continental Congress,* No. 41, V, folio 234; Schermerhorn's memorial is in No. 42, VII, folio 107; Schreiber's memorial, dated August 6, 1781, is in No. 41, IX, folio 171; Francis's petition is in No. 42, III, folio 73.

chandize they should there find, the property of British subjects; and that the said commissions are attended with many abuses dangerous to the public, as well as distressing to citizens and friends of these United States, inhabiting the said islands, some of whom, under pretext of the powers contained in such commissions, have been plundered of their property, and otherwise evilly treated; and that the further continuance of the said commissions would impede the public service in that quarter; therefore,

*Resolved*, That the governor of the State of Connecticut be, and he is hereby, desired immediately to revoke the said commissions, by him granted, so far as they authorise the seizure of goods on Long Island, or ~~other islands adjacent not being in~~ elsewhere, on land not within the State of Connecticut.[1]

The committee to whom was re-committed their report on the letter, of 20th June, from the president of New Hampshire, together with a motion relative to the subject, delivered in a report.

The committee to whom were referred the letter, of 24 May, from the legislature, and the letter, of 18 June, from the governor of Massachusetts, delivered in a report.

Congress took into consideration the report of the committee, ‖consisting of Mr. Sherman, Mr. McKean, Mr. Carroll, Mr. Varnum, Mr. Madison,‖ to whom was re-committed their report on the letter of 20 June, from the president of New Hampshire, together with a motion relative to the subject; and thereupon came to the following resolutions:

Whereas the states of New Hampshire and New York have submitted to Congress the decision of the disputes between them and the people inhabiting the New Hampshire Grants,

[1] This report, in the writing of Oliver Ellsworth, is in the *Papers of the Continental Congress*, No. 20, I, folio 381.

on the west side of Connecticut river, called the State of Vermont, concerning their respective claims of jurisdiction over the said territory, and have been heard thereon; and whereas the people aforesaid claim and exercise the powers of a sovereign independent State, and have requested to be admitted into the federal union of the United States of America: in order thereto, and that they may have an opportunity to be heard in vindication of their said claim:[1]

*Resolved*, That a committee of five be appointed to confer with such person or persons as may be appointed by the ~~legislature of said Vermont~~ people residing on the New Hampshire Grants, on the west side of Connecticut river, or by their representative body, respecting their claim to be an independent State, and on what terms it may be proper to admit them into the federal union of these states, in case the United States in Congress assembled shall determine to recognize their independence, and thereof make report:

And it is hereby recommended to the ~~legislature of the said State of Vermont~~ people of the territory aforesaid, or their representative body, to appoint an agent or agents to repair

[1] Another version of the preamble, without date, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 20, I, folio 17, and is as follows:

Whereas the people inhabiting a tract of Country bounded by the West bank of Connecticut River &c. &c. known by the name of Vermont have for a considerable time past claimed and exercised sovereign power and jurisdiction within the said tract of Country. And whereas the said tract of Country hath been formerly within the undoubted jurisdiction of the States of New Hampshire and New York by which States under the late Royal ~~Agreement~~ Government divers tracts of land have at different times previous to the above claim been granted to Citizens of each of Said States and others. And also whereas Congress taking the ~~whole~~ claims of all the above parties into serious ~~consideration~~ deliberation and considering the peculiar circumstances of the people inhabiting the said tract of land aforesaid and the present political ~~necessities~~ situation of these United States, and ~~depending~~ relying on the public spirit and firm attachment of the States of N. H. and N. Y. to this Union and their readiness to comply with every reasonable measure recommended by Congress for the good of the Union, in case their private property is fully secured, and other necessary and prudential terms firmly secured and agreed upon, do resolve that a Committee &c.

immediately to Philadelphia, with full powers and instructions to confer with the said committee on the matters aforesaid, and on behalf of the said people ~~of Vermont~~, to agree upon and ratify terms and articles of union and confederation with the United States of America, in case they shall be admitted into the union; and the said committee are hereby instructed to give notice to the agents of the states of New Hampshire and New York, to be present at the conference aforesaid.[1]

The United States in Congress assembled convinced from long experience of the zealous exertions of New Hampshire and New York, that as they have already sacrificed much to the American cause, they will not suffer it even to languish through their means, and taking into consideration that a certain District called Vermont bounded is claimed by each of them in right of soil and government; that the inhabitants thereof oppose the demands of both, protesting,

That Vermont ~~hath ever been without the just limits of New Hampshire and New York, neither having at any time~~ was formerly holden by New Hampshire not by charter but by the pleasure only of his Britannick Majesty:

That a Royal adjudication on the 20th day of July 1764 superseded the pretensions of New Hampshire in favor of New York, and was assented to on the part of the former.

That New York having regranted the lands in Vermont by virtue of such adjudication in prejudice of the settlers thereon under New Hampshire and Massachusetts Bay, their remonstrances against a political association with New York produced on the 24th day of July 1767 a prohibition from the Court of Saint James to any further grants by New York.

That they continued to remonstrate but nothing was finally decided at the æra of the American revolution until which event they had never submitted to New York, having always governed themselves by Committees and Conventions and that since that æra,

[1] This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 20, I, folio 11.

they have persisted in self-government and opposition to New York; that the Legislature of Massachusetts Bay hath relinquished whatsoever right that State may have to Vermont upon condition that a like relinquishment be made by New Hampshire and New York.

And that the interests of independence, altho' the facts and doctrines urged by Vermont have in various manners been controverted by New Hampshire and New York, would acquire fresh energy by ~~such~~ their adoption of similar measures.

*Resolved,* That it be recommended to the Legislatures of the States of New Hampshire and New York respectively to declare the Inhabitants of the district called Vermont bounded as aforesaid unamesnable to any jurisdiction erected under their authority and to renounce all territorial ~~pretensions~~ claims thereto, but to refer to Congress to determine on what terms this concession shall take effect.

*Resolved,* That in case Congress shall recognize the independence of the said people of Vermont, they will consider all the lands belonging to New Hampshire and New York, respectively, without the limits of Vermont aforesaid, as coming within the mutual guaranty of territory contained in the Articles of Confederation; and that the United States will accordingly guarantee such lands, and the jurisdiction over the same, against any claims or encroachments from the inhabitants of Vermont ~~or any other person or persons~~ aforesaid.[1]

A letter, of 7, from E. Blaine, was read:

*Ordered,* That it be referred to the committee to whom was referred his letter of 20 July.

A letter, of 6, from Tho Forrest, lieutenant colonel of 4th regiment of artillery, was read:

*Ordered,* That so much thereof as relates to pay be referred to the Board of War; and that Lieutenant Colonel Forrest be informed his application for leave to resign ought to be made in the first instance to the Commander in Chief.

[Adjourned to 10 o'Clock to Morrow.]

[1] This report, in the writing of Edmund Randolph and undated, is in the *Papers of the Continental Congress*, No. 20, I, folio 15.

The committee of the week made report; Whereupon,

*Ordered*, That a memorial of Philip Reffert, with the account of Jacob Hetherling, be referred to the Board of Treasury;

That the petition of Joseph Hardy be referred to the Board of War; [1]

That the memorial and papers presented by Alexander Heguy, so far as they respect his accounts against the United States, be referred to the Board of Treasury;

That such part thereof as relates to his application for rank be referred to the Board of War.[2]

The Board of War, to whom was referred the memorial of Nicholson Broughton, requesting to be discharged from the payment of twelve guineas, advanced to him in France on account of the United States, report that, in their opinion, a compliance with his request in this instance would be improper:

WAR OFFICE, *August 7th, 1781.*

SIR:

The Board have considered the application of Nicholson Broughton Esq. requesting to be discharged from the payment of the sum of twelve guineas advanced to him in France on account of the United States, and though this gentleman has produced the most unquestionable proofs of his integrity and patriotism, yet the Board are of opinion that a compliance with his request in this instance would be improper.

The Board are unacquainted with the rules which have been established respecting moneys advanced to the Citizens of America in foreign countries by order of Congress, but they presume that those who receive assistance are to be accountable.[3]

[1] This petition is in the *Papers of the Continental Congress*, No. 42, III, folio 417.

[2] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 32, folio 207, 209.

[3] This report is in the *Papers of the Continental Congress*, No, 148, II, folio 133.

*Resolved*, That Congress agree to the said report.

The Board of War, to whom was referred the letter from J. Pierce, report, that, in their opinion, the resolution of Congress of the 27 August, 1780, clearly and decidedly sets forth the principles on which the outstanding debts of the public are to be collected, and which ought to be strictly adhered to by the paymaster general in the receiving all moneys due from individuals to the United States.[1]

*Resolved*, That Congress agree to the said report.

The Board of War, to whom were referred the letter, of 27 July, from Colonel T. Pickering, and sundry other papers relative to forage collected from sequestred estates, made report:

WAR OFFICE *August 7th 1781*

SIR,

The Board have considered the papers referred to them, respecting the Forage on the confiscated Estates in West Chester County, and are of opinion that a discussion of the subject will involve consequences of a delicate nature, and which are only proper for the decision of Congress.[2]

*Ordered*, That the same, with the papers, be referred to a committee of three:

The members, ~~Mr. Bland,~~ Mr. [James Mitchell] Varnum, Mr. [William] Sharpe, Mr. [Daniel] Carroll.

Mr. [John] Sullivan laid before Congress a letter, of 9th April last, from Brigadier General John Stark:[3]

*Ordered*, That it be referred to the committee on the report of the Board of War on an allowance to the staff for depreciation.

Congress proceeded to the election of a committee of five, to confer with such person or persons as may be appointed

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 121.

[2] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 137.

[3] Stark's letter, dated April 9, 1781, is in the *Papers of the Continental Congress*, No. 162, folio 217.

by the people residing on the New Hampshire Grants, on the west side of Connecticut river, or by their representative body, respecting their claim to be an independent State, and on what terms it may be proper to admit them into the federal union of these states, in case the United States in Congress assembled shall determine to recognize their independence:

The members chosen, Mr. [Elias] Boudinot, Mr. [Nicholas] Van Dyke, Mr. [Daniel] Carroll, Mr. [Joseph] Montgomery, Mr. [Edmund] Randolph.

The Board of Treasury, in compliance with the resolution of the 30 July, directing them to devise ways and means for furnishing Colonel George Morgan with the sum of £137, currency of New Jersey, in specie, to enable him to pay for the support and tuition of three Indian boys, of the Delaware nation, at Princetown college, delivered in a report; Whereupon,

That there is a large sum in specie due to the United States in the hands of Dr Witherspoon President of the College of New Jersey deposited with him by the North Carolina Provincials Prisoners of War in the year 1778, as will appear in the last clause but one of a letter dated the 20th of February 1780 to the Board from the then Commissy General of Prisoners, and also by another of the 14 April following; the Board beg leave to propose, that part of the money may be applied to the support of the aforesaid Indian youth: the following resolution is therefore submitted:

*Resolved*, That for the support and education of the Indian youth at Princetown college, in the State of New Jersey, under the care of Colonel George Morgan, of the said State, the sum of three hundred and sixty-five dollars and sixty-ninetieths of a dollar in specie, be paid to him by Dr. J. Witherspoon, president of the said college, out of moneys placed in his hands by the North Carolina provincial prisoners of war, exchanged in the year 1778, to discharge the demands of the United States against them for subsistance;

for which sum the aforesaid Colonel George Morgan is to be accountable.[1]

A letter, of 7th, from Captain J. P. Jones, was read:

*Ordered,* That it be referred to the Board of War.

A report from the Board of War was read; Whereupon,

WAR OFFICE, *August 8th 1781*

SIR,

The Board observe they are directed by Congress in their resolution of the 7th instant to advance to Major Brahme such a sum as they may judge necessary to enable him to leave town and proceed to Head Quarters upon which the Board beg leave to observe they have no money or funds to enable them to make the aforementioned advance but should it be the intention of Congress as the Board apprehend it was that a warrant be drawn on the Paymaster Gen[l] it will be proper to pass the following resolution:

*Ordered,* That the Board of War draw a warrant on the paymaster general in favor of Major Brahme, for fifteen hundred dollars new emission on account of his pay, the resolution of the 4 of January last notwithstanding.

The Board think proper to make the following remarks previous to Congress passing the foregoing resolution 1st There is no unappropriated funds in the hands of the Pay Master for payment of said warrant. 2dly The sum tho' large is nearly agreeable to what the Board reported for all the officers that were prisoners at Charlestown, and as small a sum as will answer the purposes contained in the resolution of yesterday.[2]

AT A BOARD OF WAR *August 8th. 1781*

Present, Col. Grayson
M[r] Cornell.

The Board have the honor to enclose to your Excellency an account exhibited to them by Major General Sullivan, and beg leave to observe, that it appears to them that General Sullivan actually advanced the money contained in the said account amounting to five hundred and fifty Continental dollars which was worth at the

[1] This report is in the *Papers of the Continental Congress*, No. 136, V, folio 437. The amount is stated in the report as $365\frac{4}{9}$.

[2] This report is in the *Papers of the Continental Congress*, No. 148, I, folio 417.

time the account bears date, agreeable to the scale of depreciation agreed to by Congress the 28th June 1780 twenty five silver dollars and twenty-seven ninetieths of a dollar altho' it is most probable the receipts for these bounties were taken in Colonel Proctor's name. Yet as it is beyond a doubt that General Sullivan paid the money, it is the opinion of the Board that the following resolution may not be improper:

*Resolved*, That it be recommended to the legislature of the State of New Hampshire to order to be paid to General Sullivan the sum of twenty-five dollars and twenty-seven ninetieths of a dollar in specie (to repay that sum by him advanced for public use) on account of the United States.[1]

A letter, of 1, from Major General the Marquis de la Fayette, with sundry papers enclosed, was read.

A letter, of 6, from the superintendant of finance, was read, with sundry papers enclosed.[2]

AT A BOARD OF WAR *August 8th 1781.*

Present, Mr Grayson
Mr Cornell

The Board have considered the Memorial of Captain Schreiber, referred to them from Congress.

Beg leave to report,

That the case of this Gentleman is fully comprehended in the report of the Board sent to Congress the 20th Ultimo, in behalf of the officers lately returned from captivity, to which they beg leave to refer.[3]

Adjourned to 10 o'Clock to Morrow.

## THURSDAY, AUGUST 9, 1781

The committee of the week made report; Whereupon,

The Committee of the week beg leave to report,

That the Memorial of William Massey for a year's pay as Deputy Comr General of Musters; and the petition of Capt. Lieut Adam

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 123.

[2] Lafayette's letter is in the *Papers of the Continental Congress*, No. 156, folio 212; Morris's is in No. 137, I, folio 97.

[3] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 129. It was read this day as the indorsement states.

Hoops respecting his exchange and leave of absence; be respectively referred to the Board of War.

9th August 1781.[1]

*Ordered*, That a letter, of 8th, from William Massay; and A memorial of Captain Lieutenant Adam Hoops be referred to the Board of War.[2]

The committee, ||consisting of Mr. Randolph, Mr. Van Dyke, Mr. Ellsworth,|| to whom was referred the memorial of the hon. the minister plenipotentiary of France, together with "the plan of a convention between the Most Christian King and the United States, for the purpose of determining and fixing the functions and prerogatives of their respective consuls, vice consuls, and agents," delivered in a report; which being read,

*Ordered*, That it be re-committed, and that the committee be instructed to confer with the minister of France upon the plan of a convention for determining and fixing the functions and prerogatives of consuls, &c. and report to Congress the precise explanation which shall be given to them, as well as a plan of convention, adapted to the subject and the circumstances of America.[3]

The committee to whom was referred the letter, of 2, from General Washington, delivered in a report.

The Committee to whom the letter from the Commander in Chief dated Aug. 2. 1781 with the inclosures, were referred, beg leave to report that the warmest applications to the several States eastward of Pennsylvania inclusive, should be repeated, urging them to complete their several quotas of men and provisions for the main army, at this important and critical juncture, and therefore the committee recommend the following letter to be wrote to the Executive of each of said States by the President:

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 32, folio 215.

[2] This memorial, dated August 9, 1781, is in the *Papers of the Continental Congress*, No. 41, IV, folio 185.

[3] These two paragraphs were also entered in the manuscript Secret Journal, Foreign Affairs. They are printed in the Secret Journal, under date of August 19.

SIR,

Altho' Congress have addressed your State very lately on the important subject of forwarding their Quota of Troops and provisions to the several departments, to which they have been assigned, yet the recent complaints they have received from the Commander in Chief, of a very partial compliance in some of the States, with their requisitions on that subject, induces Congress once more (as a matter of the last consequence at this interesting moment) earnestly to request the utmost expedition in completing and sending forward the Troops, provisions &c demanded under their authority by the Commander in Chief, not doubting, that as on the vigorous exertions to comply with those requisitions, depends the success of the present campaign, and the reputation of the American Arms, you will use your utmost endeavour to comply fully with the spirit of them. Without this a disgraceful retreat and abandoning of our offensive operations must take place, and a very heavy expense already incurred, must recoil on ourselves, and be, in all probability the cause of prolonging a destructive war and preventing an advantageous peace. Under such an event, we must be held up to our ally, and to all Europe, as a People sacrificing our own dearest interests to a listless inactivity, who otherwise by improving the present favourable opportunity, might be put beyond the power of our Enemy.[1]

The report of the committee on the communications of the hon^ble^ the Minister of France was taken into consideration, and after debate:

The Committee to whom was referred the Communication made by the Minister of France on two despatches of the 9^th^ of Jany. and the 19^th^ of Feby. Submit the following Report:

2. That the Minister Plenipotentiary of these United States at the Court of Versailles, be directed to inform his Most Christian Majesty, that Congress consider his Majesty's desire to Unite the Interests of these States and the United Provinces of the Netherlands, as a fresh proof of his friendship and regard and accept with pleasure the offer of his Majesty's Interposition for that purpose communicated to them by his Minister and that Congress being fully sensible of the benefit which may arise from the weight and influence

[1] This report, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 19, VI, folio 357. On September 29 it was ordered to be filed.

of his Majesty's interposition, have directed Mr Adams to confer on all occasions in the most confidential manner with his Majesty's Minister at The Hague.

1. That the Minister Plenipotentiary at the Court of Vers. be directed to inform his Most Christian Majesty, that the probability of a rupture, between Great Britain and the Dutch had engaged the attention of Congress previous to this communication, and that sensible of the great importance it would be of to the Common Cause if their High Mightinesses would join in the war, they had taken measures for uniting the Interests of the two Republics, and had made advances to the States General by directing Mr J. Adams to repair to The Hague with full powers to propose to them a Treaty of Amity and Commerce, founded on the principles of equality and consistent with the Treaty subsisting between his Majesty and these States.

~~That Mr. J. Adams be instructed and empowered to enter into a treaty of Alliance during the present war with the United Provinces of the Netherlands provided that it shall appear to him necessary or proper for the interests of the United States.~~

~~And provided that the object of such Treaty be consistent in all respects with that subsisting between his Most Christian Majesty and these United States and not inconsistent with the same in other respects.~~

*Resolved*, That the President Communicate to Mr Adams the above resolutions, and desire him to improve the interposition of his Most Chr[n] Majesty to the best advantage, through the Minister of France at the Court of Holland, and by corresponding with the Minister of the United States at the Court of Versailles.

That the President communicate the above resolutions to Doctor Franklin, and desire him to give Mr Adams every information and assistance in his power which may tend to render the interposition of his Most Christian Majesty successful.

~~That the above resolutions be communicated to the Minister of France.~~[1]

[1] This report, in the writing of Daniel Carroll, is in the *Papers of the Continental Congress*, No. 25, I, folio 455. Paragraphs 2 and 1 are so numbered by Thomson. On folio 231 is a fair copy by Thomson of the substance of these paragraphs which were adopted August 15, as the indorsement shows, and incorporated in the resolutions agreed to on the 16th.

*Ordered*, That it be re-committed, and that the committee report instructions to the hon^ble^ J. Adams respecting a treaty of alliance with the United Provinces of the Netherlands.[1]

The committee to whom was referred the report of the Board of War on the letter from the quartermaster general respecting forage in Westchester in the State of New York, delivered in a report.[2]

A motion was made by ~~Mr. Jones, seconded by Mr. Madison~~ the delegates of Virginia:

*Ordered*, That it be referred to a committee of three:

The members, Mr. [Elias] Boudinot, Mr. [James] Duane, Mr. [Oliver] Ellsworth.

Adjourned to 10 o'Clock to Morrow.

## FRIDAY, AUGUST 10, 1781

A report of the Board of War on that part of the memorial of A. Heguy which respects his application for rank, was read; Whereupon,

At a Board of War *August 9th 1781.*

The Board having taken into consideration that part of the memorial of Alexander Heguy referred to them from Congress beg leave to report.

That though they have no doubt of this Gentleman's merit, yet they are of opinion, that his request ought not to be complied with, as it would give uneasiness not only to the officers who are now in the army, but such as have been obliged to retire as supernumeraries.[3]

*Ordered*, That the said memorial, so far as respects rank, be dismissed.

A report of the Board of War on the memorial of Colonel J. Livingston was read:

[1] This order was also entered in the manuscript Secret Journal, Foreign Affairs.

[2] See *post*, August 23.

[3] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 141.

WAR OFFICE *10th August. 1781.*

SIR,

The Board have considered the memorial of Colonel James Livingston referred to them and beg leave to observe,

That they are entirely unacquainted with the reasons which induced a preference of Colonel Hazen to Colonel Livingston. Congress in their act of October 30th. 1780 for reforming the Army directed "That the Regiment commanded by Colonel Moses Hazen be continued on its present establishment, and that all non commissioned officers and privates being foreigners belonging to any of the Reduced Regiments and Corps, be incorporated therewith and all volunteers from foreign States, who are now in the service or may hereafter join the American Army be annexed to the same Regiment." Under this Resolve the Foreigners of Colonel Livingston's Regiment were incorporated in the Regiment commanded by Colonel Hazen.

With respect to the loss sustained by the Robbery of the Paymaster, the Board beg leave to refer Congress to a resolve made in May 1778 which declares,

That the Paymaster of a Regiment be chosen by the officers of the Regiment, out of the Captains or Subalterns and appointed by warrant, the officers are to risk their pay in his hands, the Paymaster to have the charge of the cloathing and to distribute the same.

As to pay for the Regiment lately commanded by Colonel Livingston, The Board can only remark that their situation is exactly similar to the officers of other Corps who have been reformed and they are at a loss to determine in the present distressed situation of the finances what funds ought to be appropriated to this purpose. If Congress should however be of opinion that the arrears of pay should be discharged, the Board conceive the regulation for that purpose should be so general as to comprehend all the Canadians under these circumstances. With respect to Cloathing it was only intended as a compensation for the depreciation of their pay; but since it has been determined to make good the real pay, according to the original Contract, all claims on that account must be at an end, as if the officers have not had their full proportion the sum they will receive on account of depreciation will be the greater. As to the discharging the half pay allowed to retiring officers, the Board

have only to say, there is no mode yet adopted or fund established for this purpose.

With respect to drawing provisions the Board are of opinion such a permission ought not to be granted. The plans hitherto pursued in framing the Contracts have only had in contemplation the Continental troops, militia in actual duty, artificers and prisoners. If this system was departed from it might prove the means of introducing abuses which it might be difficult to reform. If Congress are disposed to afford any relief to this Gentleman, who it appears has been subjected to considerable difficulties on account of his attachment to America, the Board think it would be most advisable to grant him a sum of money on account.

As the Board are unacquainted with the fund it might be proper to draw on, they beg leave to submit the same to the consideration of Congress.[1]

*Ordered*, That it be referred to the Board of Treasury to devise ways and means of advancing to Colonel Livingston a sum of money on account of the pay and depreciation due to him.

A report of the Board of War on the case of Elizabeth Bergen was read:

WAR OFFICE *August 10th. 1781*

SIR,

Mrs Elizabeth Bergen has applied to the Board for directions to the Town Major to furnish her with rations agreeable to the order of the Commander in Chief. This request the Board think it improper to comply with as the contract for provisions at this Post does not comprehend persons of this description. The Board however think something ought to be done for her relief, and her three children who are in a distressed situation, as it appears she has to the utmost of her abilities assisted the American officers prisoners in New York, not only with necessaries, but the means of making their escapes. The Board are of opinion twenty pounds hard money a year during the pleasure of Congress would be proper.[2]

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 143.

[2] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 153.

*Ordered*, That it be referred to a committee of three:

The members, Mr. [Joseph] Montgomery, Mr. [Elias] Boudinot, Mr. [James] Lovell.

A report from the committee of the week was read; Whereupon,

The Committee of the week submit the following report:

That the letter from Samuel Patterson respecting a sum of money of the old emission in the Cont[l] Loan office of the State of Delaware—dated 7[th] August 1781;

And the letter of Charles Pettit praying for an advance of specie &c be respectively referred to the Treasury.

That the Petition of Samuel Higgins for arrears of pay be referred to the Board of Treasury to take order.

That the letter from Samuel Nicholas Major of Marines respecting his pay and a command be referred to the Board of War:[1]

*Ordered*, That a letter, of 7, from S. Patterson;[2] and

A letter, of 9th, from Cha Pettit, be referred to the Board of Treasury;

That a petition of Sam[l] Higgins be referred to the Board of Treasury to take order;

That a letter, of this day, from S. Nicholas, major of marines, be referred to the Board of War.[3]

That a letter from Major De Lomagne be referred to the Board of War.[4]

Congress proceeded to the election of a secretary for foreign affairs; and, the ballots being taken, Mr. Robert

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 32, folio 217.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 453;

[3] Pettit's letter is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 457; Higgins's petition, dated August 10, 1781, is in No. 42, III, folio 421; Nicholas's letter is in No. 78, XVII, folio 301.

[4] This letter, dated August 10, 1781, is in the *Papers of the Continental Congress*, No. 78, XIV, folio 449.

R. Livingston was elected, having been previously nominated by Mr. [William] Floyd.[1]

On motion of the delegates of South Carolina,

*Resolved*, That the gentlemen appointed by the act of Congress of the 23 July last, to collect loans and donations for the distressed inhabitants of South Carolina and Georgia, be, and hereby are, authorised and empowered to pay the same into the hands of the delegates of the said states, or to their order, agreeably to the said act; and that receipts for the same be taken and lodged in the treasury office.[2]

A report from the Board of War on the letter, of 23 June, from Major General Greene, was read:

WAR OFFICE *August 9th, 1781*

SIR,

The Board have Considered Major General Greene's letter of the 23rd of June last, referred to them by Congress to take order, and have the honor to lay before them the enclosed estimate, upon which they beg leave to observe that the estimate is made on the lowest calculation, yet the sum so far exceeds any funds that we have any knowledge of that can be appropriated to that use, that we dare not undertake to carry the proposed plan into execution until Congress should be informed of our situation; and we beg leave further to observe that we were almost constantly solicited by Colonel Moylan and his officers for several months past for horses and accoutrements for the cavalry of that regiment; but were not able to furnish them, and finally gave orders for their marching dismounted to Virginia hoping that State would mount them; we have since been informed by Major General the Marquis La Fayette, that there was not the least probability of that plan's succeeding and desires the Board in most pressing terms to order them to be mounted and equipped. We have consulted the Superintendent of Finance on account of the ways and means; but have no encouragement that will enable us to proceed; but whenever we are possessed of the means, we shall be happy in complying with the orders of Congress and they may be

[1] This paragraph was also entered in the manuscript Secret Journal, Foreign Affairs.

[2] This motion, in the writing of Nicholas Eveleigh, is in the *Papers of the Continental Congress*, No. 36, IV, folio 373.

assured of every exertion in our power. We beg leave to suggest the propriety of a speedy determination as Mr Archer is waiting on Expence and it is more than probable will not be able to leave the City unless he is furnished with money and the longer he stays the more he will stand in need of assistance.[1]

*Ordered*, That it be referred to a committee of three:

The members, Mr. [Thomas] Bee, Mr. [Theodorick] Bland, Mr. [William] Sharpe.

Congress resumed the consideration of the report of the committee on the letter of the 9th of July, from the superintendent of finance; and on the question to agree to the following proposition, viz.

The Committee to whom was referred the letter of the Superintendent of Finance of the 9th Ultimo, further Report,

That on mature consideration of the instructions given the Minister Plenipotentiary of these United States at the Court of Madrid on the 15 of February last they are of opinion that it would be highly conducive to the interests of these States, that the powers contained in the said instructions should be ~~repealed and a discretionary power lodged in the hands of the said Minister to act~~ so far extended as to enable him to agree to a further cession of the navigation of the river Mississippi in such manner as circumstances may render necessary, and as would best tend to promote the interest of these states.

Therefore recommend the following Resolution:

~~Resolved, That the instructions given to the Minister Plenipotentiary of these United States on the 15 of February last be and they are hereby repealed.~~

That the minister be empowered to make such further cession of the right of these United States to the navigation of the river Mississippi as he may think proper, and on such terms and conditions as he may think most for the honour and interest of these United States—

The yeas and nays being required by Mr. [Roger] Sherman—

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 147.

| | | |
|---|---|---|
| *New Hampshire,* | | |
| Mr. Sullivan, | no | no |
| Livermore, | no | |
| *Massachusetts,* | | |
| Mr. Lovell, | no | no |
| Partridge, | no | |
| Osgood, | no | |
| *Rhode Island,* | | |
| Mr. Mowry, | no | no |
| Varnum, | no | |
| *Connecticut,* | | |
| Mr. Ellsworth, | no | no |
| Sherman, | no | |
| *New York,* | | |
| Mr. Duane, | no | no |
| L'Hommedieu, | no | |
| *New Jersey,* | | |
| Mr. Boudinot, | no | no |
| Elmer, | no | |
| *Pennsylvania,* | | |
| Mr. Montgomery, | no | no |
| Clymer, | no | |
| T. Smith, | no | |
| *Delaware,* | | |
| Mr. McKean, | no | no |
| Van Dyke, | no | |
| *Maryland,* | | |
| Mr. Jenifer, | no | no |
| Carroll, | no | |
| *Virginia,* | | |
| Mr. Jones, | no | no |
| Madison, | no | |
| Bland, | no | |
| Randolph, | no | |
| *North Carolina,* | | |
| Mr. Sharpe, | no | * |
| *South Carolina,* | | |
| Mr. Bee, | no | no |
| Eveleigh, | no | |
| *Georgia,* | | |
| Mr. Walton, | no | no |
| Howly, | no | |

So it passed in the negative.[1]

*Ordered,* That the committee of foreign affairs transmit to the Minister Plenipotentiary of these United States at the Court of Madrid, such information relative to the surrender of Pensacola, and the subsequent arrival of the garrison at New York, as they can obtain, to the end that he may make such representation thereon as shall appear to him to be proper.[2]

The Committee of Commerce, to whom was referred the letter, of the 24 July, from the hon^ble^ the Minister of France, delivered in a report; Whereupon,

[1] This resolution (partly in cipher) and vote, as an extract from the minutes, by James Lovell, are in the *Papers of the Continental Congress*, No. 59, I, folio 133.

[2] This order and the preceding vote were entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III. The report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 31, folio 307.

*Resolved*, That the hon^ble^ the Minister of France be requested to inform the governor and intendant of St. Domingo that the United States have not at present any agent whatever residing at that island; and that Congress, not intending to appropriate their funds to commercial purposes, have not the appointment of such officer in contemplation.[1]

A farther report from the committee of the week was read; Whereupon,

The Committee of the week farther report,

That the petition of Lieut. John Jenkins praying for a reward for serving as a Guide to the Army under Major General Sullivan against the Indians in 1779 be referred to the Board of War to report.

That the Memorial and Petition of sundry merchants respecting their sufferings and exposed situation, on account of the depreciation of the Continental money be referred to a special Commission.

10th August 1781

Second report[2]

*Ordered*, That a petition of Lieutenant John Jenkins be referred to the Board of War;

That a memorial of sundry merchants be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [George] Clymer, Mr. [Joseph] Jones.

Adjourned to 10 o'Clock on Monday.

## MONDAY, AUGUST 13, 1781

A letter, of 6, from Major General the Marquis de la Fayette;

One, of the 17, and one, of 19 July, from Major General Greene, with sundry papers enclosed, were read:[3]

[1] This resolution was also entered in the manuscript Secret Journal, Foreign Affairs. The report is in the *Papers of the Continental Congress*, No. 31, folio 233.

[2] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 32, folio 213.

[3] Lafayette's letter is in the *Papers of the Continental Congress*, No. 156, folio 218; Greene's of 17th is in No. 155, II, folio 193; that of 19th is on folio 209.

*Ordered*, That they be referred to the Committee of Intelligence.

A letter, of 29 May, from the hon^ble^ J. Jay;

One, of 2, and one, of 11 June, from Mr. W. Carmichael; and[1]

One, of 25, from Richard Harrison, were read.

A letter, of 2, from J. Moylan, cloathier general, was read:[2]

*Ordered*, That it be referred to the Board of War.

A report of the committee of the week was read; Whereupon,

[*Ordered*], That a petition of Fabian Hamerly be referred to the Board of War;[3]

That a petition of sundry merchants be referred to the committee to whom was referred a like memorial on Friday last.[4]

The committee of the week was elected:

Mr. [Joseph] Jones, Mr. [Daniel of St. Thomas] Jenifer, Mr. [Daniel] Mowry.

A report of the Board of Treasury on the memorial of Archibald McClean, was read; Whereupon,

TREASURY OFFICE *August 9th 1781*

The Board of Treasury having considered the Memorial of Archibald M^c^Clean of York Town in Pennsylvania in behalf of Mary Meem Widow setting forth, that the said Mary had deposited on the 4 May 1778 in his hands, as a Commissioner appointed by the State of Pennsylvania under an Act of Congress of 22^nd^ Nov^r^ 1777 to receive Monies for the Loan Office of the United States in Pennsylvania in order to obtain loan office certificates for the same: but not having

[1] Jay's letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 459; Carmichael's, of June 2, is on page 466.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XVI, folio 227.

[3] This petition, dated August 2, 1781, is in the *Papers of the Continental Congress*, No. 148, II, folio 183.

[4] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 32, folio 219. The petition, dated March, 1781, from merchants of Massachusetts Bay, is in No. 41, VI, folio 259.

an opportunity of forwarding the money to the Loan Office, then removed to Philadelphia until October following, it was refused to be received, by the Commissioner of the said Loan Office on the condition of ante-dating the certificates to the time the money was received by the said M^c^Clean and by reason thereof the said Mary is to this day without certificates for the money deposited by her, as aforesaid:

Upon this State of facts the Board are of opinion, certificates ought to issue to the said Mary for 800 dollars, bearing date the 4 day [of] May ~~1778~~ 1780, upon the Memorialist paying into the Loan Office the Money deposited with him by the said Mary (unless Congress should be of opinion that the said M^c^Clean is answerable for the depreciation of the Money while it lay in his hands under the pretext he offers) and thereupon submit the following resolution:

*Resolved,* That Congress concur in opinion with the Board; and Thereupon,

*Order,* That so much of the memorial of Archibald McClean, of the town of York in the State of Pensylvania, a commissioner appointed by the State of Pensylvania under a resolution of Congress dated the ~~22 November, 1777~~ 11 June, 1779, to receive money for the loan office of the United States in the said State as respects the issuing loan office certificates bearing date the 4 day of May, ~~1778~~ 1780, for the sum of eight hundred dollars deposited by Mary Meem on loan, be referred to the Board of Treasury to take order.[1]

The committee appointed to revise the several reports before Congress which have not been acted on; and

The committee on the communications of the hon^ble^ the Minister of France, delivered in their respective reports:

*Ordered,* That to Morrow be assigned for the consideration of the latter report;

And Thursday next for the consideration of the former.

A motion was made by Mr. [John] Mathews, seconded by Mr. [Roger] Sherman, and another by Mr. [James Mitchell] Varnum:

[1] This report is in the *Papers of the Continental Congress,* No. 136, V, folio 441.

*Ordered,* That they be referred to a committee of three:

The members, Mr. [James] Duane, Mr. [John] Mathews, Mr. [James Mitchell] Varnum.

A letter, of this day, from Lieutenant J. Townes, was read;[1] Whereupon,

Congress took into consideration a report of the Board of War of the 20th July; and, thereupon,

WAR OFFICE *July 20th 1781.*

SIR,

The Board have considered the resolution of Congress respecting the payment of the money due for the passages of the several Continental officers from Charlestown to this place, and enclose a list of them, and of their ranks, as also an account of the money due for the passages of those already reported to the Board amounting to one hundred Guineas as certified by the Honorable Brigadier General M°Intosh. The Board are farther of opinion that considering the particular situation of these gentlemen three months effective pay ought to be advanced them. The Board have not funds either for the payment of the passages, or for the three months' pay, and therefore they submit the same to the wisdom of Congress.[2]

*Ordered,* That the Board of War draw warrants on the paymaster general, in favour of the several officers of the army of these states, lately prisoners of war in South Carolina and Georgia, for six months nominal pay in the new emissions.

A report of the Board of War on a letter of 29 June, from A. Hammond, was read; Whereupon,

*Ordered,* That the letter of A. Hammond, requesting leave to go to sea for the recovery of his health, be referred to the Commander in Chief; who is hereby empowered to enquire into the circumstances of his case, and to grant his request if he thinks it proper and expedient.[3]

[1] This letter is in the *Papers of the Continental Congress,* No. 78, XXII, folio 467.

[2] This report is in the *Papers of the Continental Congress,* No. 148, II, folio 75.

[3] This report is in the *Papers of the Continental Congress,* No. 148, II, folio 157.

On motion of Mr. [Roger] Sherman, seconded by Mr. [James] Lovell,

*Resolved,* That the establishment of the office of interpreter of the French and Spanish languages be, and hereby is abolished.

[REPORT OF COMMITTEE. INSTRUCTIONS TO MR ADAMS]

Should you succeed in forming a treaty of Amity and Commerce, according to your Instructions in which the United Provinces shall recognize the Independence of the United States, you will be silent upon the subject of an Alliance offensive or defensive; but should you find it impracticable to obtain such recognition on these principles, you will then enter into a defensive alliance upon the following conditions, having the strictest regard to the Treaty of Alliance already subsisting between the Court of Versailles and the United States:

1. Their High Mightinesses shall expressly acknowledge the Sovereignty and Independence of the United States of America.

2. Their High Mightinesses and the United States shall so far make the war a common cause, that neither of them shall make peace or truce with Great Britain till the Court of Versailles and both the Republics shall agree to and be included in ~~a General Pacification~~ the same. This Article is upon Condition that the Court of Versailles has or will enter into a similar engagement with the United Provinces.

3. You shall not involve the United States in any offensive operations in favor of the United Provinces.

4. You shall not enter into a guaranty of the Dutch possessions in the West Indies or elsewhere, unless you find such a measure absolutely necessary to obtain an acknowledgement of the Independence of the United States and in that case, you must obtain guaranty for guaranty. In other matters not repugnant to these Instructions, you will use your best discretion.[1]

Adjourned to 10 o'Clock to Morrow.

[1] This report, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress*, No. 25, I, folio 459, and, according to indorsement, was delivered and read on this day. See *post* August 16.

**TUESDAY, AUGUST 14, 1781**

A letter, of 21 June, from S. Parsons, at St. Pierre, Martineque;

A letter, of 16 July, from Barrere le Grand, of St. Domingo; and

A letter, of 11, from A. Lee, were read.[1]

A letter, of this day, from Jonas Fay, Ira Allen and Beza Woodward, was read, with powers to them:[2]

*Ordered*, That this be referred to the committee of five appointed on the 8th to confer with such person or persons as may be appointed by the people residing on the New Hampshire grants on the west side of Connecticut, &c.

A report from the Board of War was read; Whereupon,

AT A BOARD OF WAR *August 14th 1781.*

Present Colonel Grayson
General Cornell

The Board beg leave to inform Congress that Captain De Frey a prisoner of War to the enemy has obtained leave from the British Commissary at New York to come to Philadelphia on parole, for the purpose of negotiating an exchange, he is at this time destitute of money and friends and has represented to the Board (should his exchange not be effected) the impossibility of prosecuting his journey back to that City agreeable to the terms limited in his parole.

They therefore beg leave to report,

*Ordered*, That the Board of War draw a warrant on the paymaster general, in favour of Captain de Frey, of the legion commanded by the late Count Pulaski, for three hundred and sixty dollars in bills of the new emission equal

[1] Parsons's letter is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 407; Barrere le Grand's is in No. 78, XIV, folio 441; Arthur Lee's is in No. 78, XIV, folio 453.

[2] This letter is in the *Papers of the Continental Congress*, No. 40, II, folio 89, and the commission on folio 95.

to six months' nominal pay and subsistance, for which sum he is to be accountable.[1]

The committee on the motion of the delegates [of] Virginia;

The committee on the report of the Board of War respecting R. Elliot; and

The committee on the report of the Board of War on General Greene's letter, of 23 June, for arming Lieutenant Colonel Lee's legionary corps; delivered in their respective reports; also,

The committee to whom was re-committed the ordinance for establishing a court of appeals in cases of captures reported the draught of a new ordinance, and in pursuance to the instructions to them given, they also reported an ordinance ascertaining what captures on water shall be legal;

In pursuance of the powers delegated by the Confederation in cases of capture on water:

Be it ordained by the United States in Congress assembled; that from and after the [first] day of [October] next, all resolutions and ordinances of Congress, relating to captures on water, and coming within the purview of this ordinance, shall be null and void. But questions of this nature, arising before that day shall be determined at any time during the War with Great Britain according to them, in the same manner, as if this ordinance had never been made.

It shall be lawful to capture and to obtain condemnation of the property hereinafter enumerated, if found below high water mark: that is to say:

I. All ships and other vessels, of whatsoever size or denomination, belonging to an enemy of the United States, with their rigging, tackle, apparel and furniture:

Passed.

II. All goods, wares and merchandizes, belonging to, and found on board of a ship or other vessel of, such enemy:

P.

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 163.

P. III. All contraband goods, wares and merchandizes, belonging to such enemy, in the ship or other vessel of whatsoever nation found, ~~and whithersoever destined~~

IV. ~~All goods, wares and merchandizes found in a ship or other vessel of an enemy, [the property of neutrals always excepted.]~~

P. V. All contraband goods, wares and Merchandizes, to whatsoever nation belonging, ~~destined for the use and operations of the enemy.~~

P. VI. All Ships or other vessels, goods, wares and merchandizes, [belonging to any Power or the Subjects of any Power] against which letters of marque or reprisal [shall] have issued.

P. VII. All Ships or other vessels, with their rigging, tackle, apparel and furniture, and with their Cargoes, to whatsoever

Quere [*Invested, besieged or.*] nation belonging destined to any port or place ~~blocked up by vessels of war~~ blockaded by [a sufficient force] belonging to, in the service of, or co-operating with the United States ~~or commanded by batteries on land so as to render it dangerous to enter therein~~ [so effectually as that one cannot attempt to enter into such port without evident danger].

P. VIII. All ships or other vessels with their rigging, tackle, apparel and furniture, and with their cargoes, found in the possession of pirates.

~~The following captures shall not be lawful: that is to say:~~

I. ~~Of ships or other vessels, belonging to a foreign nation other than an enemy, altho laden with the property of such enemy: Ships or vessels, bound to a blockaded, or commanded port or place, as aforesaid being always excepted.~~

II. ~~Of property, belonging to an enemy, found in a ship or other vessel of a foreign nation, other than an enemy: Contraband goods being always excepted:~~

III. ~~Of ships or other vessels or their cargoes, to whatsoever nation belonging, under the protection of any foreign power other than an enemy.~~

~~No prince, state, nation, power nor people nor subject nor citizen of any of them shall be adjudged an enemy, until some act of the United States in Congress assembled shall [have been] made declaratory thereof.~~

The goods, wares and merchandizes, to be adjudged Contraband are the following—that is to say: arms, great guns, bombs, with their fuses, and other things belonging to them, cannon, ball, gunpowder, match, pikes, swords, lances, spears, halberts, mortars, petards, grenadoes, salt-petre, muskets, musket balls, bucklers, helmets, breast plates, coats of mail, and the like kind of arms, proper for arming soldiers, musket rests, belts, horses with their furniture, and all other warlike instruments *whatsoever*.

[In stead of this the articles enumerated in the Treaty between G. B. and the Empress of Russia are to be inserted].[1]

No goods, wares nor merchandizes, not worked into the form of some instrument or thing prepared for war by land or sea, shall be reputed *contraband*.

If it shall manifestly appear, that of any entire thing, of which division cannot be made without injury to its value, a subject of the enemy, and a citizen or a subject of a foreign power, not being an enemy, are joint holders, the whole shall be condemned and sold for gold or silver: the proper proportion of the neat produce of which shall be deposited in the treasury of the states in which the sale shall be; to be paid to the order of such citizen, or the subject of such foreign power.

P.

[1] TREATY OF COMMERCE BETWEEN G. B. AND RUSSIA, 2. DEC$^{R}_{r}$ 1734.

10$^{th}$ Article ~~It shall be permitted to the subjects of both contracting parties reciprocally in all accustomed places of export to load~~ directs, that the subjects of each party shall pay no more custom or duty, than other nations, and that smuggled merchandize shall be confiscated.

11$^{th}$ The subjects of either party may freely pass, repass or travel, in all countries which now are or hereafter shall be at enmity with the other of the said parties (places actually blocked up or beseiged excepted,) provided they do not carry any warlike stores or ammunition to the enemy: as for all other effects, their ships, passengers and goods shall be free and unmolested.

12$^{th}$ Cannons, mortars, fire arms, pistols, bombs, granadoes, bullets, balls, fusees, flints, matches, powder, salt petre, sulphur, cuirasses, pikes, swords, belts, pouches, cartouchboxes, saddles and bridles, in any quantity beyond, what may be necessary for the ship's provision, and may properly appertain to, and be judged necessary for every man of the ship's crew, or for each passenger shall be deemed ammunition of war, and if any such be there found, they may seize and confiscate the same, according to law—but neither the vessels, passengers, nor the rest of the goods shall be detained, for that reason, or hindered from pursuing their voyage.

This paper, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress*, No. 59, III, folio 290.

If such division can be accomplished, but neither the citizen, nor the subject of foreign power, nor his agent shall require specific restitution of his proportion, there shall be a sale in the same manner as if the property were indivisible. But if in such case a requisition be made to this effect, the due proportion shall be specifically restored, according to the ratio of the number and value of the property.

P.

Where property shall have been originally captured on land from a citizen of the United States, and shall be recaptured below high water mark by another citizen thereof, restitution shall be made to the former owner upon the payment of a reasonable salvage, not exceeding ¼ of the true value.

[Passed.]

~~In other cases of recapture, in which the original owner and the recaptor shall both be citizens of the United States, restitution shall be made to such owner upon the payment of a reasonable salvage, not exceeding ½ of the true value; unless condemnation shall have been had in some Court of Admiralty. After such condemnation restitution shall not be made.~~

[Withdrawn.]

In ~~either of the preceding~~ all cases of recapture by an armed vessel fitted out at the expence of the United States ~~or either of them,~~ the Court shall ~~proceed to assess and determine the rate of salvage, upon the circumstances of risque, trouble and expence incurred in making the recapture, and so much of the assessment, which would be due to the United States or either of them according to the rules of distribution hereinafter established, shall be remitted to the original owner~~ [adjudge the proportion of the United States of such recapture to be remitted to the owner.]

[Passed.]

In all other cases of recapture ~~in which the original owner or the recaptor shall not be a citizen of the United States,~~ restitution shall be made to the owner ~~without salvage~~ upon payment of ⅓ of the true value for salvage if the property shall have been retaken in less than 24 hours after the capture.

[Passed.]

But if it shall not have been retaken until the expiration of 24 hours after the capture, ~~no~~ restitution shall not be made of ~~the whole or~~ any part.

[Passed September 13, 1781.]

In all cases of recapture in which a citizen of some one of the United States is wholly or in the greater part interested, on both sides, there shall be adjudged to the recaptor [~~if a private ship of~~

~~war or letter of marque and reprisal~~] out of the true value of the vessel and cargo or either of them, $\frac{1}{8}$ part, if the same have or hath been in the possession of the enemy 24 hours [at the least]; $\frac{1}{6}$ part, if more than 24, but less than 48 hours; $\frac{1}{3}$ part, if more, than 48, but less than 96 hours; and $\frac{1}{2}$, if more than 96 hours unless there shall have been a [legal] condemnation thereof in some court of admiralty. In this case the whole shall be adjudged to the recaptor.

[In all cases of recapture] (If a person, not being a citizen of some one of the United States, but a subject of a foreign power, other than an enemy, be wholly, or in the greater part interested on either side) no computation shall be made of the time of possession, but the whole shall be adjudged to the recaptor, if the property retaken shall have been peaceably resident in the hands of an enemy upwards of 24. hours.

Besides those who are duly authorized to make captures by a special commission ~~from Congress~~ captures of the property of an enemy shall be allowed, when made

1. By a private vessel not having such commission, satisfactory proof being produced, that they were made in repelling a previous attack from an enemy. P.

2. By any body or detachment of regular soldiers: P.

3. By inhabitants of the country, if made within cannon shot of the *shore*.

4. ~~By a subject~~ By an armed vessel [sailing under a commission] of his Most Christian Majesty, ~~during the present war with Great Britain.~~

See the Special wording of the Minister's letter as to condemnation at the instance of America.

5. By the crews of British vessels, while captures of this sort are licensed by the British.

Recaptures shall be made by no other persons, than those authorized to make captures; except the crews of vessels retaken.

~~Of no capture by an enemy on land, and a recapture thereof below high water mark shall restitution to the former owner be made, unless the property recaptured shall be distinctly and fully identified.~~

~~Condemnation shall be had of vessels and other property, brought off by any party of the British enemy.~~

The destruction of papers or the possession of double papers by any captured vessel shall be considered as evidence for condemnation, unless good cause be shown to the contrary. P.

From and after the first day of November, which shall be in the year of our Lord 1781, any letters of passport or safe conduct granted before the [27th] day of March last, under the authority of Congress to any person whatsoever for the removal of property from a place beyond sea within the dominions or possessions of the British king shall be void.

Upon the capture of a vessel ~~equipped in a warlike manner~~ [commissioned as a Man of War or Privateer, by any of the ships of war of these United States], the whole of the property condemned shall be adjudged to the captors, to be divided in the following manner that is to say:

P.

Upon the capture of a [any other] vessel ~~not equipped in a warlike manner,~~ if made by a ~~public~~ vessel [of war] belonging to the United States, ~~or any one of them,~~ one half shall be decreed to the United States, ~~or the individual State as the case may be,~~ and the other half to the captors, to be divided as aforesaid:

P.

~~If by a private vessel having a commission the whole shall be adjudged to the captors to be divided according to contract.~~

If by a private vessel not having a commission ~~satisfactory proof a previous attack being first made as aforesaid 2/3~~ [the whole] shall be decreed to ~~the United States, and 1/3 to~~ the captors, to be divided, as aforesaid:

P.

If by any body or detachment of regular soldiers the whole shall be adjudged to the captors, to be divided as aforesaid:

P.

If by inhabitants of the country ~~being militia in arms upon regular duty for other purposes and within cannon Shot of the Shore,~~ the whole shall be adjudged to the captors and be divided as aforesaid:

~~If by inhabitants of the country, being militia, in arms, but not upon regular duty, 1/3 shall be adjudged to the State, and the remaining 2/3 to the captors to be divided, as aforesaid:~~

~~If by inhabitants of the country, being militia but not in arms 2/3 shall be adjudged to the State, and the remaining 1/3 to the captors, to be divided as aforesaid:~~

~~If by a Subject of his most Christian Majesty, the~~ [torn] ~~and division shall be according to the "ordonnances de marine"; and~~

If by the crews of British vessels, the whole shall be adjudged to the captors, (except in those instances, in which the capture may belong to an American Citizen) to be divided at the discretion of the Court.

P.

The ships and effects of a Citizen of the United States, or a Sub-
Passed Septem: 17th, 1781. ject of ~~an ally of the U. S.~~ any foreign State other than an enemy retaken from a pirate and reclaimed by the owner, within a year and a day from the date of the sentence of condemnation, by a petition to the Court which shall have condemned the same, shall be restored to such owner, upon the payment of one third of the value of the ships and effects to the recaptor. Where no claim shall be put in within a year and a day, the whole value shall be adjudged to the recaptor.[1]

On recaptures of a vessel under the protection of ~~an hostile~~ a vessel
P. [belonging to an enemy] equipped in a warlike manner, or where the vessel retaken is so equipped the proportion to be withdrawn from the original owner shall be divided as in the case of a capture of an ~~hostile~~ [enemy's] vessel, equipped in a warlike manner.

On recaptures of a vessel, under the protection of an hostile vessel, not equipped in a warlike manner, and where the vessel retaken is not so equipped, the proportion to be withdrawn from the original owner shall be divided, as in the case of a capture of an hostile vessel, not equipped in a warlike manner.

~~On recaptures by a british crew; the whole of the proportion to be withdrawn from the original owner shall be divided, as in the case of a capture by a british crew.~~

~~No part shall be deducted from the proportion, withdrawn from the original owner, where the recapture shall have been made by a vessel fitted out at private expence.~~

[Recommitted.] ~~Upon the capture of a slave belonging to the enemy, he shall be forthwith emancipated~~

Upon the recapture of a slave, [negro or mulatto] belonging to
[Recommitted; reported again.] a citizen of one of the United States, ~~in which that property is yet tolerated,~~ the same rules shall be observed, as in the recapture of vessels.

The rules of decision in the several courts shall be the resolutions and ordinances of Congress, public treaties, when declared to be so by an Act of Congress, and the law of nations, according to the general usages of Europe. Public treaties shall have the pre-eminence in all trials.

[1] This paragraph, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress*, No. 59, III, folio 304.

This act shall commence in force on the day of next.[1]

[1] This report, in the writing of Edmund Randolph, except the portions in brackets which are in Thomas McKean's writing, is in the *Papers of the Continental Congress*, No. 59, III, folios 297–300, 285, 291. It was made from the following draft:

In pursuance of the power delegated to Congress by the Confederation, in cases of capture on water

Be it ~~enacted~~ ordained by the United States in Congress assembled, that from and after the day of next, all resolutions of Congress relating to captures on water and coming within the purview of this ordinance, shall be null and void. But ~~until that day all~~ questions of this sort arising before that day shall be determined at any time during the present war with G. B. according to them in the same manner, as if this ordinance had never been made.

It shall be lawful to capture and ~~make prize~~ to obtain condemnation of the ~~moveable~~ property herein after enumerated; if found on the high seas, or between high and low water mark: that is to say:

1. All ships and other vessels of whatsoever size or denomination, belonging to ~~the king of Great Britain, or any subject of the said king,~~ any power or subject of a power; being an Enemy of the United States of America with their rigging, tackle, apparel and furniture;

2. All goods, wares and merchandizes, slaves being always particularly included in these terms; belonging to ~~the said king, or any of his subjects,~~ any power or subject of a power, being an enemy of the United States of America, borne and found in ~~a British~~ the bottom or vessel of ~~an~~ such enemy and all contraband &c: borne &c. on board of any ships or vessels, belonging to a neutral nation.

3. All Contraband goods, wares and merchandizes, belonging to an allied or neutral power ~~to Wit, (here insert from the Treaty with France,) which, according to the law of nations as received among the usages of Europe; are justly denominated contraband, and found in the bottom or vessel of an enemy:—~~

In this description a slave belonging to a neutral power or its subjects actually employed in navigating a vessel authorized to make seizures, shall be included:

4. All vessels, goods, wares, and merchandizes, taken by virtue of letters of marque or reprisal.

5. All vessels, belonging to an ally of the United States if employed in carrying contraband goods, wares or merchandize, or soldiers to the enemy of the United States.

The following Captures shall not be lawful, viz:—

1. of hostile property found in neutral bottoms: contraband goods being always excepted.

2. of hostile property under the protection of neutral ~~coasts,~~ nations or princes.

3. of allied or neutral property found in the ship or vessel of an enemy of the United States, contraband property being excepted as aforesaid.

4. of the property of an ally of the enemy unless contraband or found in the bottom of the enemy; without a special act of Congress to that effect.

5. Qu: if some exception ought not to be made in favor of a Bermudian bringing salt only.

No prince, nor other State, nor any subject of the same shall be adjudged an enemy, until by some act of Congress shall be made declaratory thereof. The goods, wares,

A resolution in aid of the law erecting the court of appeals; and

An ordinance regulating inferior courts of admiralty in certain cases:

*Ordered,* That these ordinances be considered on Monday next.

FOOTNOTE—Continued.

and merchandizes to be adjudged contraband are the following: (here enumerate those denominated such in the Treaty of Versailles.)

~~Hostile property shall be adjudged to be under the protection of neutral nations or princes, when within cannon shot of any territory over which such nations or princes exercise the rights of sovereignty and jurisdiction.~~

If it shall manifestly appear that of any entire thing, of which division cannot be made without injury to its value, a subject of the enemy and a citizen or a subject of a neutral power are joint holders, the whole shall be condemned and sold for gold or silver: ~~one half~~ the proper proportion of the neat produce of which shall be deposited in the Treasury of the State in which the sale shall be, to be paid to the order of the citizen or neutral owner:

Express neutral by other than the enemy.

If such division can be accomplished, but neither the citizen or neutral owner, nor his agent shall require specific restitution of his proportion, there shall be a sale in the same manner as if the property were indivisible; But if in such case a requisition be made to this effect, the due proportion shall be specifically restored according to the ratio of the number and value of the property.

In all cases of recapture, in which a citizen of one of the United States is wholly or in the greater part interested, on both sides, ~~the former owner shall pay~~ there shall be adjudged to the recaptor out of the true value of the vessel and cargo or either of them ⅛ part; if the same have or hath been in the possession of the enemy 24 hours; ⅛ part, if more than 24, but less than 48 hours; ¼ part, if more than 48, but less than 96 hours, and ½, if more than 96 hours, unless there shall have been a condemnation thereof in some court of admiralty. In this instance the whole shall be adjudged to the recaptor.

Qu: If this ought not to be conformable to the Ordinance which gives the whole to recaptors after 24 hours

(Yes in recaptures by the ally.)

If a person not being a citizen of some one of the United States but the subject of a foreign power ~~in alliance with them~~ other than the enemy, be wholly or in the greater part interested on either side, no computation shall be made of the time of possession, but the whole shall be adjudged to the recaptor, ~~after 24 hours possession.~~

~~If a person not being a citizen of some one of the United States but the subject of a neutral power be wholly or in the greater part interested on either side, the like adjudication shall obtain as in a contest between mere citizens.~~

~~But nothing shall be considered as captured until the battle be over, or sure possession be taken by the enemy.~~

Besides those who are duly authorized to make captures by a special commission ~~the following persons may.~~ captures of hostile property shall be allowed in certain circumstances: to wit; those made by—

A private vessel, not having such commission, upon satisfactory proof, that they were made upon the high seas in repelling a previous attack from the enemy:

The report of the committee on the motion of the delegates of Virginia was taken into consideration, and certain resolutions passed thereon.

On the report of a committee to whom was referred a motion of the delegates of Virginia:

FOOTNOTE—Continued.

*Within Cannon Shot of the Shore. Say Inhabitants of Country.

By any body or detachment of regular soldiers, militia ~~in arms,~~ ~~militia unarmed~~ called to arms by authority or militia not in arms under such authority, or citizens not liable to militia duty ~~between high and low~~ below high water mark*

~~Where~~ upon any contest between joint captors ~~authorized to capture in different characters~~ the courts of appeals and admiralty shall settle the proportions due to each according to their labour, risque, expence, and real influence in capturing.

Recaptures ~~may~~ shall be made by ~~all~~ no other persons than those authorized to make captures: except the crews of vessels retaken.

Condemnation shall be had of vessels and other property brought off by any party of the British enemy ~~in the same manner so long as the,~~ and they shall be adjudged to the party bringing them off, so long as the like rule shall be continued by the enemy.

To prevent injury to taker upon a new cargo.

Of no capture by the enemy on land, and a recapture thereof ~~between high and low~~ below high water mark shall restitution be made, unless the property taken be distinctly identified: ~~when identified, it shall be subject to the same rules as to the time of its residence in the hands of the enemy, as are above set forth respecting vessels except that in all such cases, possession by the enemy for 96 hours, shall absolutely divest the property of the original owner.~~

The destruction of papers, or the possession of double papers, by any captured vessel unless good cause be shewn to the contrary or the fighting under the flag of another nation than that from which the commission is derived shall be considered as ~~just grounds~~ sufficient evidence for condemnation.

From and after the first day of November, which shall be in the year of our Lord 1781, any letters of passport or safe conduct, granted before the — day of ——— under the authority of Congress to any person whatsoever, for the removal of property from places within the dominions or possessions of the British King, shall be void.

Distribution shall be as follows:

Apply to Mr. Roger Sherman.

Upon the capture of a vessel equipped in a warlike manner, the whole ~~with her cargo~~ of the property condemned shall be adjudged to the captors to be divided in the following manner: (E. R. knows not the just proportions)

If brot off by a party.

Upon the Capture of a Vessel not so equipped, if made by a public vessel, belonging to the United States, or an individual, one half shall be decreed to the United States, or such individual State, and the other half to the captors to be divided as aforesaid: if by a vessel fitted out at the expence of a private person, the whole shall be adjudged to him and paid, ~~if he be absent~~ to the ~~commander or any other agent for his use~~ captors: if by a private vessel, not having a commission, proof being made as aforesaid, ⅔ to the United States, and ⅓ to the ~~owner, or if he be absent to the commander, or any other agent for his~~

The Committee to whom the Resolution relative to supplying the Governor of Virginia with passports for the importation of salt, was referred Report.

That it appears to your Committee that the command which the enemy have of the Sea Coast of Virginia, and the navigable waters thereof, wholly obstructs the importation and manufacture of salt, and their late ravages ~~through the country~~ have reduced the shipping to the lowest state, banished the seamen and destroyed all the salt that fell into their hands.

That a supply of this commodity is absolutely and essentially necessary for that State, as the army there, without salt meat, must experience the greatest sufferings.

FOOTNOTE—Continued.

~~use,~~ captors: if by a body or detachment of regular soldiers or militia for other purposes upon regular duty ~~in arms under authority~~ the whole shall be adjudged to the Captors to be divided in the following manner [deest] if by Militia not in arms under authority or citizens not liable to Militia duty, ½ to the ~~United States~~ State to which they belong; the other to them, to be divided in the following manner: to wit: [deest]

~~Upon the capture of a vessel not equipped in a warlike manner, ⅓ shall be always deducted for the use of the United States, where made by a vessel of war belonging to them, by regular soldiers or by militia in arms under authority; and for the use of any individual State, to which a vessel, militia not in arms under authority, or citizens not liable to militia duty making the capture may belong. The balance shall be decreed to the captors, to be divided in the proportions aforesaid according to the case. A third shall not be deducted, where the capture shall have been made by a vessel fitted out at private expence.~~

On recaptures of vessels under the protection [of] an hostile vessel equipped in a warlike manner or where the vessel retaken is so equipped the proportion to be ~~deducted~~ withdrawn from the original owner shall be divided, as in the case of a capture of an hostile vessel, equipped in a warlike manner.

**Qu: if not best to give the whole of recaptures to the recaptors.**

On recaptures made from an hostile vessel not equipped in a warlike manner, or where the vessel retaken shall not be so equipped, the said proportions shall be divided as in the case of a capture of an hostile vessel not equipped in a warlike manner.

**British Crew.**

But a third or any part shall not be deducted where the capture or recapture shall have been made by a vessel, fitted out at private expence and bearing a commission.

Mem: in case of Omission a general reference to be made for the rule of decision established in the Court-law, and to the law of Nations.

Make a clause as to Slaves.

This draft, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress*, No. 59, III, folio 301. The following on folio 287 is in James Duane's writing:

**General Law respecting property.**

Negroes Mulattos or others whose services shall be claimed by an Enemy shall be emancipated.

But if the service of such negro, mulatto or other person captivated as aforesaid shall not be legally claimed by a citizen of these United States he shall be set at liberty.

That the unremitted duty of the Militia, has hitherto prevented and for a considerable time will probably prevent, them from seeking this necessary article at any distance from home.

That notwithstanding these difficult circumstances your Committee considering the many evil consequences arising from opening a trade with the Enemy under any circumstances whatever would have recommended a negative to the Resolution proposed by the Delegates of Virginia, had it not been for the Resolve of Congress of ———— indulging the State of South Carolina in the like request. Your Committee therefore, apprehending the necessity of doing equal justice to every State in the union under similar circumstances, do recommend the following Resolution:

*Resolved*, That the President be authorized to furnish his Excellency the Governor of Virginia with eight sets of passports by him licencing either Bermudian vessels to import salt only into Virginia Maryland, or North Carolina for the use of Virginia and to export from thence for Bermudas only, corn and flour to the same amount in return, or licence any American Vessels to export corn and flour to Bermudas only, and to import the full value thereof in salt only into Virginia, Maryland or North Carolina, for the use of Virginia. Provided not more than eight vessels in the whole be covered by said Passports, for one voyage each, and that said Passports continue in force only for the space of ~~eight~~ six months from this Date.

[*Resolved*, That sixteen passports be granted to be employed by the governour of Virginia in protecting such number of vessels as shall be sufficient to import fifty thousand bushels of salt for the use of Virginia;[1]

That eight passports be granted to be employed by the governour of Maryland in protecting such a number of vessels as shall be sufficient to import twenty-five thousand bushels of salt for the use of the State of Maryland.

That the said passports continue in force for the space of six months from the date thereof, and no longer.]

[1] This paragraph, in the writing of Joseph Jones, is in the *Papers of the Continental Congress*, No. 20, II, folio 264.

*Resolved,* That the President inform the said governours that nothing less than the pressing necessities of Virginia and Maryland could have induced Congress to relax the resolution made against farther intercourse with the enemy. That an abuse of this indulgence will highly injure the American cause; and that Congress rely on them to guard the same against misapplication by every possible precaution; and to cause the passports to be returned to the President after the accomplishment of the purposes for which they are now granted.[1]

Adjourned to 10 o'Clock to Morrow.

## WEDNESDAY, AUGUST 15, 1781

A letter, of 10, from J. Storey, was read;[2] Whereupon,

*Ordered,* That J. Storey be informed that Congress do, at his request, dispense with his farther service.

A petition of George Fisher was read:

*Ordered,* That it be referred to the auditors of accounts at Albany, who are to liquidate the account of the petitioner agreeably to the principles established by Congress in such cases.[3]

A report from the Board of War was read; Whereupon,

AT A BOARD OF WAR *August 14th 1781*

Present Mr Grayson
Mr Cornell

Lieutenant Verdier of Colonel Armand's Legion had the misfortune some time ago of being captured by the enemy in Virginia, when in

[1] These resolutions in reference to importation of salt were entered only in the manuscript Secret (Domestic) Journal and in Secret Journal, No. 8. The report, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 20, II, folio 261. The portion in brackets is not in the report.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XXI, folio 105.

[3] This paragraph, as an extract from the minutes, is in the *Papers of the Continental Congress*, No. 138, I, folio 483.

the execution of an important commission from the Baron Steuben. He is now on parole in this City, and has applied to the Board for an advance of money on account, which they are not authorized to grant without the approbation of Congress.

As it seems but just that this gentleman should receive the same sums as have been allowed to other officers of equal rank under similar circumstances.

The Board beg leave to report

*Resolved,* That the Board of War be and hereby are authorised to draw a warrant on the paymaster general, in favour of Lieutenant Verdier of Armand's corps, a prisoner on parole, for six months' nominal pay in bills of the new emission, for which he is to be accountable.[1]

The report of the committee on the communications of the hon^ble^ the Minister of France was taken into consideration, and after debate:

WAR OFFICE *Aug 15th 1781.*

SIR,

The Board have considered that part of the report respecting M^r^ Pepin, which has been recommitted, and beg leave to observe that the contracts for this Post are framed in such a manner as not to admit persons of this description.

When it was under consideration to furnish the citizens of South Carolina with rations, the Board applied to the Financier on the subject who did not think himself authorized to appropriate the money in his hands to this purpose. He also observed that he did not conceive himself responsible for rations which were out of the purview of the contract. The Board have understood the Financier wrote to Congress on the occasion and that in consequence thereof that mode of furnishing the South Carolina Citizens was laid aside.

The Board are at a loss how to supply M^r^ Pepin and his family with rations, except they draw for that purpose on the contractor, which is a method they think it will be impolitic to adopt; the permitting persons not concerned with the army to draw rations, has been heretofore productive of great abuses as well as considerable expence. The Board in forming the contracts had it in contemplation to guard against the inconvenience in future. If however it is the will of Congress that M^r^ Pepin shall be supplied in this manner

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 161.

and they will be pleased to signify it to the Board, it shall be immediately done. This man has a wife and six children in great distress, who it is very probable will suffer considerably if something is not done for their relief. If Congress think it expedient to assist him the Board are of opinion it will be more advisable to do it by means of a sum of money.[1]

Adjourned to 10 o'Clock to Morrow.

## THURSDAY, AUGUST 16, 1781

A letter, of 13, from General Washington; and

A letter, of 12, from Colonel Pickering, quartermaster general, were read.[2]

The committee to confer with agents appointed by the people of the New Hampshire grants on the west side of Connecticut, and to whom was referred a letter from J. Fay, I. Allen and B. Woodward, delivered in a report.

The Committee appointed to confer with persons appointed by the people of Vermont &c report

That your Committee this morning met Jonas Fay, Ira Allen, and Bezaleel Woodward Esquires Agents from the people of Vermont and exchanged powers with them mutually rec^d from their constituents.

That your Committee on carefully examining the Commission from Thomas Chittenden Esq^r stiling himself Cap^t Gen^l Gov^r and Commander in Chief of the State of Vermont (hereunto annexed) came to an unanimous opinion that the s^d Agents were not Authorized to treat with your Committee agreeable to the Resolutions of Congress appointing your Committee and by which they consider themselves strictly bound, for that

The s^d Commission bears a prior date to the said Resolutions of Congress and is not founded thereon.

That it appeared to your Committee by the information of the said Agents, that the said Commission was given in consequence of the Representative Authority of people Inhabiting on the East side of Connecticut River, and on the East side of Hudsons River within the

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 165. It appears to have been read on this day.

[2] Washington's letter is in the *Papers of the Continental Congress*, No. 152, X, folio 215; Pickering's is in No. 192, folio 77.

twenty mile Line, together with the people of Vermont, Wherefore your Committee submit to Congress whether they should proceed in the said conference.[1]

The consideration of the report on the communications from the hon^ble^ the Minister of France was resumed and concluded.

On the report of the committee, consisting of Mr. [John] Witherspoon, Mr. [Daniel] Carroll, Mr. [James Mitchell] Varnum, Mr. [John] Sullivan and Mr. [John] Mathews, to whom was re-committed their report on the communications from the honorable the Minister of France, and who were instructed to report instructions to the honourable John Adams, respecting a treaty of alliance with the United Provinces of the Netherlands:[2]

*Resolved*, That the minister plenipotentiary of these United States at the Court of Versailles be directed to inform his Most Christian Majesty, that the tender of his endeavours to accomplish a coalition between the United Provinces of the Netherlands and these states hath been received by Congress, as a fresh proof of his solicitude for their interests. That previous to the communication of this his Most Christian Majesty's friendly purpose, Congress, impressed with the importance of such a connexion, had confided to Mr. John Adams full powers to enter, on the part of the United States, into a treaty of amity and commerce with the United Provinces, with a special instruction to conform himself therein to the treaties subsisting between his Most Christian Majesty and the United States. That Congress do, with pleasure, accept his Most Christian Majesty's interposition, and will transmit further powers

[1] This report, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 40, II, folio 85.

[2] These resolutions and the commission following were entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal, No. 4. A copy is in Secret Journal, No. 6, Vol. III.

to ~~Mr. Adams~~ [their minister at the Hague] to form a ~~defensive~~ [treaty of] alliance between his Most Christian Majesty, the United Provinces, and the United States, having for its object, and limited in its duration to, the present war with Great Britain. That he will be enjoined to confer on all occasions in the most confidential manner with his Most Christian Majesty's minister at the Hague; and that provisional authority will also be sent to admit his Catholick Majesty as a party.

*Resolved,* That ~~Mr. John Adams~~ [the minister plenipotentiary of these United States at the Hague] be and he is hereby instructed to propose ~~a defensive~~ [a treaty of] alliance between his most Christian Majesty, the United Provinces of the Netherlands, and the United States of America, having for its object, and limited in its duration to, the present war with Great Britain, and conformed to the treaties subsisting between his Most Christian Majesty and the United States.

That the indispensable conditions of the alliance be, that their High Mightinesses the States General of the United Provinces of the Netherlands shall expressly recognise the sovereignty and independence of the United States of America, absolute and unlimited, as well in matters of government as of commerce. That the war with Great Britain shall be made a common cause, each party exerting itself according to its discretion in the most effectual hostility against the common enemy; and that no party shall conclude either truce or peace with Great Britain without the formal consent of the whole first obtained; nor lay down their arms until the sovereignty and independence of these United States shall be formally or tacitly assured by Great Britain, in a treaty which shall terminate the war.

That ~~Mr. J. Adams~~ [the said minister] be and he hereby is farther instructed, to unite the two republicks by no stipulations of offence, nor guaranty any possession of the United Provinces. To inform himself, from ~~Mr. John Jay~~ [the minister of these United States at the Court of Spain,] of the progress of his negotiations at the said Court; and if an alliance shall have been entered into between his Catholick Majesty and these United States, to invite his Catholick Majesty into the ~~defensive~~ alliance herein intended; if no such alliance shall have been formed, to receive his Catholick Majesty, should he manifest a disposition to become a party to the alliance herein intended, according to the instructions given to ~~Mr. Jay~~ [the said minister] at the Court of Spain.

~~And to enter into no Treaty of amity and commerce with the United Provinces unless the alliance aforesaid shall be assented to on their part, if overtures from which he cannot with honor recede shall not have been already made by virtue of his former instructions.~~

Withdrawn by unanimous consent.

[That in all other matters not repugnant to these instructions, the said minister at the Hague do use his best discretion.]

*Resolved,* That the minister plenipotentiary of these United States at the Hague be and hereby is instructed to confer in the most confidential manner with his Most Christian Majesty's minister there.

*Ordered,* That the foregoing resolutions be communicated to ~~Dr. Franklin and Mr. Jay requiring them to~~ [our ministers at the Courts of Versailles and Madrid, that they may] furnish every information and aid in their power to ~~Mr. Adams~~ [our minister at the Hague] in the accomplishment of this business.

*Ordered,* That a Plenipotentiary Commission be prepared authorising Mr. John Adams to enter into the ~~defensive~~ alliance aforesaid:

~~Resolved, That a plenipotentiary commission be prepared authorizing Mr. Jay to assist in the preceding negotiation should his Catholick majesty manifest a disposition to become a party to the defensive alliance.~~[1]

*Resolved,* That the following commission be issued to Mr. John Adams, for the purpose aforesaid:

The United States in Congress assembled to all who shall see these presents, send greeting.

Whereas a union of the force ~~and coalition~~ of the several powers engaged in the war against Great Britain may have a happy ~~effect in conducting~~ tendency to bring the said war to a ~~happy~~ speedy and favourable issue; and it being the desire of these United States to ~~cement an union and more intimate connexion~~ form an alliance between them and the United Provinces of the Netherlands: KNOW YE, THEREFORE, that we, confiding in the integrity, prudence and ability of the honourable John Adams, ~~late commissioner of the United States of America at the Court of Versailles, late delegate in Congress from the State of Massachusetts and chief justice of the said State,~~ have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint him the said John Adams, our ~~commissioner~~ minister plenipotentiary, giving him full powers, general and special, to act in that quality, to confer, treat, agree and conclude, with the person or persons vested with equal powers by his Most Christian

[1] This report, in the writing of Edmund Randolph, except the portions in brackets which are in Thomas McKean's writing, is in the *Papers of the Continental Congress,* No. 25, I, folio 463.

Majesty, and their High Mightinesses the States General of the United Provinces of the Netherlands, of and concerning a treaty of alliance between his Most Christian Majesty, the United Provinces of the Netherlands, and the United States of America; and whatever shall be so agreed and concluded for us and in our name, to sign, and thereupon to make such treaty, conventions and agreements as he shall judge conformable to the ends we have in view; hereby promising, in good faith, that we will accept, ratify and execute whatever shall be agreed, concluded and signed by him our said minister.

In witness whereof we have caused these presents to be signed by our President, and sealed with his seal.

Done at Philadelphia, this sixteenth day of August, in the year of our Lord one thousand seven hundred and eighty-one, and in the sixth year of our independence, by the United States in Congress assembled.[1]

(Signed) THOMAS MCKEAN, *President.*

Attest.

CHARLES THOMSON, *Secretary.*

Adjourned to 10 o'Clock to Morrow.

## FRIDAY, AUGUST 17, 1781

A letter, of 8, from General George Washington, was read:[2]

*Ordered,* That it be referred to a committee of three:

The members, Mr. [Elias] Boudinot, Mr. [James Mitchell] Varnum, Mr. [Roger] Sherman.

[1] This report, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 25, I, folio 457.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, X, folio 211. It is printed in the *Writings of Washington* (Ford), IX, 332.

A letter, of 9, from General P. Schuyler, was read, with a letter enclosed from J. Deane:[1]

*Ordered*, That so much thereof as relates to money be referred to the Superintendant of Finance;

That so much therefore as relates to the Caghnawaga Indians be referred to a committee of three:

The members, Mr. [James] Duane, Mr. [Samuel] Livermore, Mr. [Joseph] Jones.

A letter, of 16, from Brigadier General Moultrie was read, with a memorial from sundry officers late from South Carolina and Georgia:[2]

*Ordered*, That it be referred to a committee of four:

The members, Mr. [John] Mathews, Mr. [Elias] Boudinot, Mr. [James Mitchell] Varnum, Mr. [Samuel John] Atlee.

A memorial from D. C. Claypole, printer, was read:[3]

*Ordered*, That it be referred to the Board of Treasury.

A report from the committee of the week was read; Whereupon,

That the memorial of Nathan Dorsey surgeon in the Continental Navy now in this City on his parole, from New York, requesting that his account may be settled and the balance paid him is reasonable and as there is at this time no Admiralty Board to attend to and adjust his claim that ——— Pinnel Paymaster of the Navy Board be authorised to settle the account of the Memorialist and certify the same to Congress.

That the Petition of Joseph McMullin praying that the hire of his waggon and four horses employed in the service of the public in the Southern Department and the price of the said Team which he afterwards sold to the public may be paid him, be referred to the Board of War to report.[4]

[1] This letter is in the *Papers of the Continental Congress*, No. 153, III, folio 565.

[2] This letter is in the *Papers of the Continental Congress*, No. 158, folio 521.

[3] This memorial, dated August 17, 1781, is in the *Papers of the Continental Congress*, No. 41, II, folio 114; the letter transmitting it is in No. 78, VI, folio 51.

[4] This report, in the writing of Joseph Jones, is in the *Papers of the Continental Congress*, No. 32, folio 221.

*Ordered,* That a memorial of Nathan Dorsey, surgeon of the continental navy, be transmitted to Joseph Pennel, paymaster of the navy board, who is hereby authorised to settle the account of the memorialist, and certify the same to Congress;

That a petition of Joseph McMullin be referred to the Board of War.

A petition of G. Crowninshield, N. Silsbee and J. Collins, merchants of Salem, was read:[1]

*Ordered,* That it be referred to a committee of three:

The members, Mr. [Edmund] Randolph, Mr. [Nicholas] Van Dyke, Mr. [James] Duane.

Congress took into consideration the report of the committee appointed by the resolution of the 7th, to confer with agents to be appointed by the people of the New Hampshire Grants, on the west side of Connecticut river; and to whom was referred a letter from Jonas Fay, Ira Allen and Bezaleel Woodward, wherein they represent, that the said J. Fay, I. Allen and B. Woodward, have produced to them a commission, under the hand of Thomas Chittenden, esq. empowering them, among other things, "to repair to the American Congress, and to propose to and receive from them terms of an union with the United States"; Whereupon,

The United States in Congress Assembled desirous of bringing to a speedy decision the claim of the people inhabiting the Territory called Vermont to independence and an admission into the confederation, upon the grounds laid down in the resolutions of the 7th day of this instant, and Jonas Fay, Ira Allen, and Bezaleel Woodward Esquires producing a commission under the hand of Thomas Chittenden Esquire, impowering them among other things to propose to and receive from them terms of an Union of this said Territory with the United States, and requesting to be heard on the subject of their mission.

[1] This petition is in the *Papers of the Continental Congress,* No. 42, II, folio 118.

*Resolved*, That it be an instruction to the Committee appointed under the resolutions aforesaid to ~~confer with~~ [receive the propositions of] the said Jonas Fay, Ira Allen and Bezaleel Woodward Esquires ~~in the same manner, as if they had been commissioned according to the said resolutions giving~~ [relating to the subject of their mission and to give] notice to the Delegates attending Congress from New Hampshire and New York of the time and place of ~~such conference~~ [receiving such propositions] and to report thereupon.

*Resolved*, That this resolution shall not be construed into a departure from the pledge made by Congress in the resolutions aforesaid to the States aforesaid.[1]

*Resolved*, That it be an instruction to the committee to confer with the said Jonas Fay, Ira Allen and Bezaleel Woodward, on the subject of their mission.

Adjourned to 10 o'Clock on Monday.

## MONDAY, AUGUST 20, 1781

A letter, of 6, from W. Winthrop, was read:

*Ordered*, That it be referred to the Board of War to take order.

A letter, of July 1, from Sam[l] Parsons at Martineque; and

A letter, of 7 February, from O. Pollock at New Orleans, was read.[2]

A letter, of 18, from J. Brown, enclosing a letter, of 14, from Mr. Holker, with sundry papers enclosed, was read:

*Ordered*, That the same be referred to a committee of three:

The members, Mr. [Daniel of St. Thomas] Jenifer, Mr. [William] Sharpe, Mr. [George] Clymer.

The committee of the week made report; Whereupon,

[1] This report, in the writing of Edmund Randolph, except the portions in brackets, which are in that of Thomas McKean, is in the *Papers of the Continental Congress*, No. 40, II, folio 87.

[2] Pollock's letter is in the *Papers of the Continental Congress*, No. 50, folio 261.

*Ordered*, That a letter, of 16, from James Jay be referred to a committee of three:[1]

The members, Mr. [James Mitchell] Varnum, Mr. [John] Mathews, Mr. [Samuel John] Atlee;

That a letter, of 20, from Doctor Oliphant, with a paper enclosed, be referred to the Board of War.

A letter, of 29 May, from Major General Greene, was read, with sundry papers enclosed:[2]

*Ordered*, That they be referred to the Committee of Intelligence.

The committee of the week was chosen:

Mr. [Samuel John] Atlee, Mr. [James] Madison, Mr. [Samuel] Livermore.

A report from the Board of Treasury of the 16 was read, respecting bills of exchange drawn by British officers, for their subsistance while prisoners of war in the State of Connecticut, returned protested.

*Ordered*, That the same be referred to a committee of three:

The members, Mr. [Elias] Boudinot, Mr. T[homas] Smith, Mr. [George] Clymer.

Another report from the Board of Treasury was read, respecting sums of old continental money in sundry loan offices, &c.:

*Ordered*, That it be referred to a committee of three:

The members, Mr. [James] Duane, Mr. [Roger] Sherman, Mr. [Joseph] Jones.

A report of the Board of War was read on the letter of Captain J. P. Jones, Major S. Nicholas, and a petition of Joseph Hardy:

[1] Jay's letter is in the *Papers of the Continental Congress*, No. 78, XIII, folio 253. The committee report, in the writing of James Mitchell Varnum, is indorsed on the letter, and recommends that 4586$\frac{2}{3}$ dollars specie be passed to the credit of Sir James Jay.

[2] Olyphant's letter is in the *Papers of the Continental Congress*, No. 78, XVII, folio 337; Greene's is in No. 155, II, folio 91.

WAR OFFICE *August 15th 1781.*

SIR,

The Board have considered the memorial of Captain P. Jones, Major S. Nichols and Captain J. Hardy referred to them, and beg leave to observe that they are altogether unacquainted with the affairs of the Navy; as they are not possessed of any of the papers relative to the transaction of that Department. They know not what sums of money those Gentlemen have received, or what is due, or on what funds to recommend warrants for payment, without being liable to derange the appropriation of the funds already made in that Department; they are likewise unacquainted with the rank and mode of giving command to the marine officers; under these circumstances we flatter ourselves Congress will pardon us in wishing not to give our opinion on a subject we have so little knowledge of.[1]

*Ordered,* That the same be referred to the committee on the letter from J. Brown.

The Board of War, to whom was referred a petition of Fabian Hamerly; and

WAR OFFICE *August 15th 1781.*

SIR,

The Board have considered the memorial of Fabian Hamerly referred to them, and beg leave to inform Congress that previous to exhibiting his memorial he applied to the Board, and was informed by them, that they were of opinion the moneys charged were justly due; but from the low state of the Finances he could not receive immediate payment; but supposed he might have his money funded on interest until it could be paid. Which the Board are fully convinced is all the Superintendent of Finance will be able to do on account of monies due before his entering into office.[2]

The Board of Treasury, to whom was referred the letter, of 9, from Cha Pettit, delivered in their respective reports.

TREASURY OFFICE *August 15th 1781*

The Board of Treasury on the letter of Charles Pettit, dated August 9th referred to them by the United States in Congress Assembled, beg leave to report,

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 193.

[2] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 179.

That were it proper for the Board to recommend an advance to Colonel Pettit to pay the clerks, mentioned in his letter, employed in the business of the late Quartermaster General's Department, it would be needless in the present instance from the exhausted state of the Treasury, which cannot admit of any draughts in specie or paper.[1]

The committee to whom was referred the letter, of the 16, from Brigadier General Moultrie, enclosing a memorial from sundry officers of the South Carolina and Georgia lines, delivered in a report; Whereupon,

*Ordered*, That the Board of War direct rations of wood to be issued to the said officers until the further order of Congress.[2]

The committee appointed to confer with Jonas Fay, Ira Allen and Bezaleel Woodward;

The committee on the letter, of 8, from General Washington; and

The committee to whom was referred the memorial of G. Crowninshield and others, delivered in their respective reports:

Congress took into consideration the report of the committee appointed to confer with J. Fay, I. Allen and B. Woodward, and thereupon came to the following resolution:

The Committee appointed to confer with Jonas Fay Ira Allen and Bezaleel Woodard Esq$^{rs}$ Agents from the State of Vermont Report,

That your Committee on the 18$^{th}$ Inst met the Agents from the State of Vermont and having informed them of the purpose of their present conference and that the Committee were ready to hear any proposition or to receive any Information the s$^{d}$ Agents should think proper to communicate they delivered to your Committee the paper writing numbered 1 That thereupon Your Committee stated a

[1] This report is in the *Papers of the Continental Congress*, No. 136, V, folio 443.

[2] This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 19, IV, folio 463.

number of Questions in writing and requested written answers thereto from the s[d] Agents which we accordingly returned to your Committee and both Questions and Answers are contained in the Paper writing numbered (2)

That your Committee having thus obtained all the Information on the subject referred to them, that the s[d] Agents could communicate beg leave to submit the same to Congress, together with sundry papers delivered to your Committee by the s[d] Agents for the Information of Congress relative to the past proceedings of the State of Vermont.[1]

It being the fixed purpose of Congress to adhere to the guarantee to the states of New Hampshire and New York, contained in the resolutions of the 7th instant:

*Resolved,* That it be an indispensible preliminary to the recognition of the independence of the people inhabiting the territory called ~~the state of~~ Vermont, ~~to independence~~ and ~~an~~ their admission into the federal union, that they explicitly relinquish all demands of lands or jurisdiction on the east side of the west bank of Connecticut river, and on the west side of a line, beginning at the north-west corner of the State of Massachusetts, thence running twenty miles east of Hudson's river, so far as the said river runs north-easterly in its general course; then by the west bounds of the townships ~~of Wells, Poultney, Castleton Hughbarton and Dunbar to Woodcreek thence along the same~~ granted by the late government of New Hampshire to the river running from South Bay to Lake Champlain, thence along the said river to Lake Champlain, thence along the waters of Lake Champlain to the latitude 45 degrees north, excepting a neck of land between Missiskoy Bay and the waters of Lake Champlain.

On the question to agree to this, the yeas and nays being required by Mr. [William] Sharpe,

[1] This report, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress,* No. 40, II, folio 1.

| | | | |
|---|---|---|---|
| *New Hampshire,* | | | |
| Mr. Livermore, | ay | } * | |
| *Massachusetts,* | | | |
| Mr. Partridge, | ay | } | ay |
| Osgood, | ay | | |
| *Rhode Island,* | | | |
| Mr. Mowry, | ay | } * | |
| *Connecticut,* | | | |
| Mr. Ellsworth, | ay | } | ay |
| Sherman, | ay | | |
| *New York,* | | | |
| Mr. Duane, | no | } | no |
| L'Hommedieu, | no | | |
| *New Jersey,* | | | |
| Mr. Boudinot, | ay | } | ay |
| Elmer, | ay | | |
| *Pennsylvania,* | | | |
| Mr. Atlee, | ay | | |
| Clymer, | ay | } | ay |
| T. Smith, | ay | | |
| *Delaware,* | | | |
| Mr. McKean, | ay | } | ay |
| Van Dyke, | ay | | |
| *Maryland,* | | | |
| Mr. Jenifer, | ay | } | ay |
| Carroll, | ay | | |
| *Virginia,* | | | |
| Mr. Madison, | ay | | |
| Bland, | ay | | ay |
| M. Smith, | ay | | |
| Randolph, | ay | | |
| *North Carolina,* | | | |
| Mr. Sharpe, | ay | } * | |
| *South Carolina,* | | | |
| Mr. Mathews, | no | | |
| Bee, | ay | } | ay |
| Eveleigh, | ay | | |
| *Georgia,* | | | |
| Mr. Walton, | ay | } | ay |
| Howly, | ay | | |

So it was resolved in the affirmative.

The committee to whom was referred the report of the Board of Treasury respecting bills of exchange delivered in a report.

Adjourned to 10 o'Clock to Morrow.

## TUESDAY, AUGUST 21, 1781

The committee of the week made report; Whereupon,

*Ordered*, That a petition from William Hardy and Jane his wife, administratrix of the late Captain Hawkins Boon, be referred to the Board of War;

That a memorial from Alexander McCasky be referred to the Board of Treasury.[1]

[1] This report, in the writing of Samuel John Atlee, is in the *Papers of the Continental Congress*, No. 32, folio 223; McCaskey's memorial, dated August 21, 1781, is in No. 41, VI, folio 263; Hardy's petition is in No. 42, III, folio 423.

The report of the committee ||consisting of Mr. Boudinot, Mr. Varnum, Mr. Sherman|| on the letter, of the 8, from General Washington, was taken into consideration, wherein the committee state:

The Committee to whom the letter from the Commander in Chief of the 8th instant was referred do report

"that at a meeting of the commissaries of prisoners for both parties, at Germantown, in the month of June, 1778, a demand was made by the American commissary for payment of a number of Canadian officers, taken at St. John's and Chamblee, and sent into the British lines in 1776. The British commissary at the same time demanding an allowance for four hundred and forty American prisoners taken at the Cedars, and returned on parole: that it was then agreed between the said commissaries that both these demands should rest, one against the other, till the British commissary should obtain a certificate";

from Governor Carleton of Canada, testifying the true rank of the said Canadian Officers, when a mutual settlement of each of these demands should be made. That the British Commissary hath not yet given any notice of his having obtained any such certificate.

Your Committee beg leave to submit the following resolutions:

Whereupon,

*Resolved*, That the Commander in Chief be, and he is hereby authorised, to go into a full exchange of Lieutenant General Burgoyne, and all the remaining officers of the Convention of Saratoga, with the enemy, in such manner as to him shall appear most conducive to the general interests of the United States.

*Resolved*, That the prisoners taken by the enemy at the Cedars, may be considered as subjects of exchange, notwithstanding any former resolutions of Congress to the contrary; and that the Commander in Chief be, and hereby is instructed

to charge in the intended exchange, the several officers taken in Canada, and whose ranks were disputed by the enemy and engaged by their commissary to be settled and adjusted in manner aforesaid, according to the ranks mentioned in their paroles, unless the enemy produce sufficient proof of a different rank.[1]

The report of the committee on the report of the Board of Treasury relative to certain bills of exchange, was taken into consideration; and, thereupon,

*Resolved,* That the Commander in Chief be, and he is hereby instructed to remonstrate to the commanding officer of the British troops, on the subject of sixteen sets of bills of exchange, drawn by sundry British officers prisoners of war, in payment of the allowance of two dollars per week, allowed them by Congress, and by the said officers ordered to be protested, as appears by the several protests attending the said bills; and that he report the answer of the said commanding officer to Congress:

*Ordered,* That the Board of Treasury furnish the commander in Chief with certified copies of the said bills, protests, and the letters attending them, ~~without mentioning the name of William Donaldson the writer of one of the letters.~~[2]

The report of the committee on the report of the Board of War respecting Robert Elliot, lieutenant on an expedition to New Orleans, was taken into consideration; and Thereupon,

*Ordered,* That the Board of War issue a warrant on the paymaster general, in favour of Robert Elliot, for ~~thirty-three pounds seven shillings and sixpence Pensylvania currency~~ eighty-nine dollars specie that sum appearing to be

[1] This report, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress,* No. 19, VI, folio 359.

[2] This report, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress,* No. 26, folio 309.

due to him from the first day of January, 1778, to the last of March inclusive for pay and retained rations.[1]

On motion of the committee to whom was referred the report of the Board of Treasury of the 20th:

*Ordered*, That so much of the said report as relates to supplying money to the steward of the household of his Excellency the President of Congress be referred to the superintendant of finance to take order.

A report of the Board of War, of the 14th, [13th] was taken into consideration, and after debate:

WAR OFFICE *August 13th 1781.*

SIR,

The Board have transmitted the memorial of the officers of the fourth Regiment of Artillery referred to them, to the Commander in Chief for his sentiments and have the honor to enclose Congress the copies of his letters on this subject. The Commander in Chief is of opinion that the resolve of the 25th of May had not a retrospective operation and that therefore all promotions antecedent to this period should be made agreeable to the practice then existing which was that the officers of the four Regiments of Artillery and four Regiments of Cavalry respectively should rise lineally in the rank of field officers and regimentally to Captaincies.

The officers of the Fourth Regiment seem to rely on several resolves of Congress as set forth in their Memorial, and on the Articles of Confederation, and are of opinion that after their ratification the lineal connection with respect to the four Regiments of Artillery was dissolved. The Articles of Confederation were ratified the first day of March in the present year and Col. Proctor resigned the 19th of April.

The Board beg leave to suggest to Congress the necessity of a speedy determination as there is great uneasiness among the officers which in all probability may affect the good of the service. The Commissions required by the Commander in Chief in his letter of the 8th of June have been made out; but are [not] authorized untill the pleasure of Congress shall be known.[2]

[1] This report, in the writing of Thomas Smith, is in the *Papers of the Continental Congress*, No. 19, II, folio 217.

[2] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 197.

*Ordered,* That it be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [Theodorick] Bland, Mr. [Roger] Sherman:

*Ordered,* That two members be added to the committee on the report of the Board of War of the 9th:

The members added, Mr. [Samuel John] Atlee, Mr. [George] Walton.

The delegates of Virginia laid before Congress a letter, of 19th, from A. Spotswood:[1]

*Ordered,* That it be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [James] Duane, Mr. [Theodorick] Bland.

On a reconsideration of the resolution respecting the people inhabiting the New Hampshire Grants, it was altered and agreed to as follows:

It being the fixed purpose of Congress to adhere to the guarantee to the states of New Hampshire and New York contained in the resolution of the 7th instant,

*Resolved,* That it be an indispensible preliminary to the recognition of the independence of the people inhabiting the territory called Vermont and their admission into the federal Union, that they explicitly relinquish all demands of lands or jurisdiction on the east side of the west bank of Connecticut river and on the west side of a line beginning at the northwest corner of the State of Massachusetts, thence running twenty miles east of Hudson's river so far as the said river runs northeasterly in its general course, then by the west bounds of the townships granted by the late government of New Hampshire to the river running from South Bay to Lake Champlain, thence along the said river to Lake Champlain, thence along the waters of Lake Champlain to the latitude forty-five degrees north, excepting a neck of

[1] This letter is in the *Papers of the Continental Congress,* No. 78, XXI, folio 109.

land between Missiskoy Bay and the waters of Lake Champlain.

Adjourned to 10 o'Clock to Morrow.

## WEDNESDAY, AUGUST 22, 1781

A letter, of 17, from General Washington, was read:[1]

*Ordered*, That it be referred to the committee appointed on the 28 of July to confer with the Commander in Chief, the superintendant of finance and the Board of War.

A memorial of Christian Wirtz; and

A letter, of 22, from M. Livingston, were read:[2]

*Ordered*, That they be referred to the Board of War.

On motion of Mr. [George] Walton, seconded by Mr. [Richard] Howly:

*Ordered*, That the report of the Board of Treasury, of the 11, on the memorial of Alexander Heguy, be referred to a committee of three:

The members, Mr. [William] Sharpe, Mr. [George] Walton, Mr. [Jonathan] Elmer.

On motion of Mr. [James] Madison, seconded by Mr. [Edmund] Randolph,

*Resolved*, That in case General Burgoyne shall have been exchanged for the hon^ble^ Henry Laurens, credit shall be given for the officers which may be received for him in the general exchange, authorised by the resolution of the 21st.

The committee to whom was referred the business before the grand committee delivered in a report:

*Ordered*, That it be an order of the day for to Morrow.

[1] A copy of this letter is in the *Papers of the Continental Congress*, No. 169, volume 8, page 171.

[2] Livingston's letter is in the *Papers of the Continental Congress*, No. 78, XIV, folio 485.

The Committee appointed to prepare an Exposition of the Confederation, a plan for its complete execution and supplemental articles report,

That they ought to be discharged from the exposition of the Confederation because such a comment would be voluminous if coextensive with the subject, the omission to enumerate any Congressional powers become an argument against their existence, and it will be early enough to insist upon them, when they shall be exercised and disputed.

They farther report that the Confederation requires execution in the following manner

1 By adjusting the mode and proportions of the Militia aid to be furnished to a sister State labouring under Invasion.

2 By describing the privileges and immunities to which the citizens of one State are entitled in another.

3 By setting forth the conditions upon which a criminal is to be deliv$^{d}$ up by one State upon the demand of the executive of another.

4 By declaring the method of exemplifying records and the operation of the Acts and judicial proceedings of the Courts of one State contravening those of the States in which they are asserted.

5 By a form to be observed in the notification of the appointment or suspension of Delegates.

6 By an oath to be taken by every Delegate against secret trusts of salaries.

7 By specifying the privileges of delegates from arrests, imprisonments, questioning for free speech and debates in Congress saving as well their amenability to their constituents, as protesting against the authority of individual legislatures to absolve them from obligations to secrecy.

8 By instituting an oath to be taken by the Officers of the U. S. or any of them against presents, emoluments, office or title of any kind from a King Prince or Foreign State.

9 By one universal plan of equipping, training and governing the Militia.

10 By a scheme for estimating the value of all land within each State granted to or surveyed for any person or persons together with the buildings and improvements thereon: and the appointment of certain periods at which payment shall be made.

11 By establishing rules for captures on land and the distribution of the sales.

12 By ascertaining the jurisdiction of Congress in territorial questions.

13 By erecting a mint.

14 By fixing a Standard of weights and measures throughout the U. S.

15 By appointing a Com^ee^ for Indian affairs.

16 By regulating the Post-Office.

17 By establishing a Census of white Inhabitants in each State.

18 By publishing the Journal of Congress monthly.

19 By registering seamen.

20 By liquidation of old accounts against the U. S: and

21 By providing means of animadverting on delinquent States.

*Resolved*, that of the preceding articles, the 9^th^ be referred to the Board of War, the

13^th^ 14^th^ and 16^th^ to the Sup^t^ of Finance and the others to a Com^ee^ in order that the subject matter thereof may be extended in detail for the consideration of Congress.

And Your Committee further report,

That as America became a Confederate Republic to crush the present and future foes of her Independence;

As of this Republic a general Council is a necessary organ;

And without the extension of its power in the cases hereinafter enumerated War may receive a fatal inclination and peace be exposed to daily convulsion;

It be resolved to recommend to the Several States to authorise the U. S. in Congress assembled,

1 To lay Embargoes in time of war without any limitation.

2 To prescribe rules for impressing property into the service of the U. S. during the present war.

3 To appoint the Collectors of and direct the mode of accounting for taxes imposed according to the requisitions of Congress.

4 To recognise the Independence of and admit into the federal Union any part of one or more of the U. S., with the consent of the dismembered State.

5 To stipulate in treaties with foreign nations for the establishment of consular power, without reference to the States individually.

6 To destrain the property of a State delinquent in its assigned proportion of Men and Money.

7 To vary the rules of suffrage in Congress, taking care that in questions for waging war

Granting letters of marque and reprisal in time of peace
Concluding or giving instructions for any alliance
Coining money
Regulating the value of coin
Determining the total number of land and sea forces and allotting to each State its quota of men or money.
Emitting bills of credit.
Borrowing money.
Fixing the number and force of Vessels of War, and appointing a Commander in Chief of the Army and Navy. At least two thirds of the U. S. shall agree therein.

*Resolved*, That a Com^ee^ be appointed to prepare a representation to the several States of the necessity of these supplemental powers and of pursuing in the modification thereof, one uniform plan.[1]

Adjourned to 10 o'Clock to Morrow.

## THURSDAY, AUGUST 23, 1781

A memorial from the hon^ble^ the Minister of France was read:

*Ordered*, That it be referred to the committee on the proposed convention respecting the powers, &c., of consuls, vice consuls and agents.[2]

A report of the committee of the week was read; Whereupon,

*Ordered*, That a petition of John Compti be referred to the Board of War.[3]

The report of the committee on the report of the Board of War on the letter, of 27 July, from T. Pickering, quartermaster general, respecting forage collected and used in West-

[1] This report, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress*, No. 24, folio 49. It is indorsed "delivered in August 22, 1781. Committee: Mr. Randolph, Mr. Ellsworth, Mr. Varnum", and is in the list of postponed reports in No. 31, folio 371–3.

[2] This order was also entered in manuscript Secret Journal, Foreign Affairs.

[3] This report, in the writing of Samuel John Atlee, is in the *Papers of the Continental Congress*, No. 32, folio 227.

chester County, was taken into consideration, and after debate:

The Committee to whom was referred the Report of the Board of War upon the Quarter Master General's Letter respecting Forage in West Chester County in the State of New York, beg Leave to report the following Resolution:

That the Quarter Master General take an exact Account of the Number of Horses, Oxen and fat Cattle belonging to the Allied Army, that have been or shall be pastured in the County of West Chester in the State of New York during the present campaign, ascertaining the Number of days respectively; ~~and the numbers of Horses, Oxen, and fat Cattle belonging to each Army, and give Certificates~~ and that he give Certificates accordingly from Time to Time to any person or persons who shall be authorised to receive the same.

*Resolved*, That the allowance and Pay for Forage consumed as aforesaid, must be referred to future Adjustment and a Settlement between the United States and the State of New York.[1]

*Ordered*, That it be re-committed.

J. Pennel, paymaster of the navy board, having according to order settled the account of Nathan Dorsey and certified the same to Congress:

*Ordered*, That it be returned to him for payment.

The report of the committee on the letter, of 18 June, from the governor of Massachusetts, was taken into consideration, and after debate:

*Ordered*, That the same be referred to the superintendant of finance, and that he report thereon with all convenient dispatch.

The report of the committee on the reports before Congress previous to the 25 July was taken into consideration; and Thereupon,

The committee appointed to revise the reports depending before Congress on the ~~sixth~~ 25th day of July 1781, and report which of them

[1] This report, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress*, No. 19, V, folio 163. See *post*, September 7.

are fit to be acted upon, report that the following reports of the Board of War, to wit:

| The reports— | Bearing date. | |
|---|---|---|
| For discharging the brigade chaplain of light dragoons | 27 May | 1779 |
| For paying for the leaden spouts, taken for public use from the city of Philadelphia | 24 July | 1779 |
| For recompencing James Byars for laying himself out for the business of a public founder, and cancelling the contract made with him | 23 Dec. | 1780 |
| For paying Benjamin Darrell for the hire of a vessel, employed in transporting certain persons (prisoners) from Charlestown | 17 July | 1781 |
| For equipping Geographer Hutchins | 17 July | 1781 |
| For paying for the passage of certain officers from Charlestown | 20 July | 1781 |

Ought to be acted upon.

| That the report relative— | Bearing date. | |
|---|---|---|
| To arms, cloathing, &c being private property lost by soldiers | 3 Dec. | 1779 |
| To the rank and leave of absence for Colo. Fleury | 3 Feb. | 1781 |
| To equipping Moylan's regiment | 7 Mar. | 1781 |
| To the western department | 19 Mar. | 1781 |
| To the rank of Brigadier General Thompson | 3 Apr l | 1781 |
| To furnishing money to Dr. Peres | 16 May | 1781 |
| To the medical department | 11 June | 1781 |
| To permitting Lieutenant Moore of the Convention prisoners to go to Ireland on parole | 12 June | 1781 |
| To the western frontiers on Colo. Broadhead's information | 13 June | 1781 |
| To the pay of J. D. Weaver, a discharged hospital mate | 20 June | 1781 |

Ought not to be acted upon.

That the following reports from the Board of Treasury, to wit:

| The report relative— | Bearing date. | |
|---|---|---|
| To the payment of interest on loan office certificates | 21 Janʸ. | 1781 |
| To Colo. Gist's expences to the Cherokees | 27 Febʸ. | 1781 |
| To salaries to the commissioners of loan offices | 23 Febʸ. | 1781 |

| | Bearing date. | |
|---|---|---|
| To Ebenezer Greene, one of the hostages left in Canada | 7 Mar. | 1781 |
| To Monsr. du Coudray's affairs | 12 Mar. | 1781 |
| To loan officers, who have neglected to make proper returns to the board of treasury | 29 Mar. | 1781 |

Ought to be acted upon.

That the report relative—

| | Bearing date. | |
|---|---|---|
| To the fancy-work of F. Hopkinson | 27 Oct. | 1780 |
| To the owners of certain quantities of rum | 22 Jan$^{y}$. | 1781 |
| To an advance of money to recruit Armand's legion | 27 Jan$^{y}$. | 1781 |
| To paying J. Ross with bills for selling tobacco | 20 Feb. | 1781 |
| To supplies furnished Mr. Holker | 6 April | 1780 |
| To the depretiation allowed certain civil officers | 7 April | 1781 |
| To Wm. Kinnan's salary, as copperplate printer | 12 April | 1781 |
| To money to be paid to Jacob Hiltzeimer | 22 May | 1781 |
| To money to be paid E. Hazard, and Mr. S. Johnson | 6 July | 1781 |

Ought not to be acted upon.

That the following reports from the Board of Admiralty, to wit,

The report relative

| | Bearing date. | |
|---|---|---|
| To the return of British prisoners before the sailing of the merchantmen | 20 July | 1780 |
| To appointment of Captain Nicholson to the command of the *Confederacy* | 20 Oct. | 1780 |
| To the arrest of Capt. Young | 9 Dec. | 1780 |
| To the payment of depreciation to the sailors of the *Trumbull* | 1 June | 1781 |
| To filling up the Admiralty Board | 28 Oct. | 1779 |
| To a clerk for the Navy board | 20 Dec. | 1780 |
| To in intended voyage of the *Active* Packet | 23 Dec. | 1780 |
| To manning the Frigate *Trumbull* | 6 June | 1781 |

Ought not to be acted upon.

That the Report relative

| | Bearing date. | |
|---|---|---|
| To the payment of money to N. Bush | 9 Oct. | 1780 |
| To the communications of the Minister of France as to captures | 23 Jany. | 1781 |
| To T. [J] D. Schweighauser's accounts | 15 June | 1781 |

Ought to be acted upon.

That the following reports of Special Committees to wit
The report relative to

| | Bearing date. |
|---|---|
| An Inquiry into the conduct of James Anderson for selling public hemp | 25 Nov. 1779 |
| A plan of conducting commercial affairs | 29 Nov. 1779 |
| Arranging reports | 9 May 1780 |
| General Greene as quarter master general | 26 July 1780 |
| Bills to be furnished to Governor Rutledge | 21 Aug. 1780 |
| The privileges of members of Congress | 24 Aug. 1780 |
| A vessel belonging to Chas. Crowly lost in public service | 10 Nov. 1780 |
| Continuing loan offices | 15 Nov. 1780 |
| The memorial of New Jersey | 24 Nov. 1780 |
| Supplies to the French fleet and army | 24 Nov. 1780 |
| Taking off the embargo | 6 Dec. 1780 |
| Raising regiments of negroes in South Carolina and Georgia | 8 Dec. 1780 |
| Ordering flour from the magazines in Connecticut | 22 Dec. 1780 |
| The resignation of Adjutant General Scammell | 29 Dec. 1780 |
| The recall of D$^{r}$ Franklin | 28 Dec. 1780 |
| Specie for the use of prisoners | 3 Feb$^{y}$. 1781 |
| M$^{r}$ Laurens's confinement | 2 Mar. 1781 |
| Provisions to be sent to Fort Pitt | 2 Mar. 1781 |
| Removal of the German Prisoners | 9 Mar. 1781 |
| Furnishing money to D$^{r}$ Binney | 14 Mar. 1781 |
| Expences of General M$^{c}$Dougall in attending on Congress | 15 Sept. 1780 |
| Payment of interest on issuing the bills of credit of 18$^{th}$ March 1780 | 2 April 1780 |
| Employment of the navy | 29 June 1781 |
| Provisions on Hudson's River | 21 May 1781 |
| Rank of Captain Jones and Captain Nicholson | 29 June 1781 |

Ought not to be acted upon.

| That the Reports relative to | Bearing date. |
|---|---|
| A Court of inquiry on General Howe; committed | May 1780 |
| Detention of the produce of the sales of the *Nostra Señiora's* cargo; committed | 12 July 1780 |
| American seamen whom the British refuse to exchange | 7 Oct. 1780 |
| Money requested by General Lee | 3 Oct. 1780 |

| | Bearing date. |
|---|---|
| The appointment of a commercial agent | 16 Janʸ. 1781 |
| A mode of ascertaining the value of articles furnished to the public by individuals | 31 Janʸ. 1781 |
| The superseding of William Geddes as Paymaster General being founded on expediency not any demerit in him | 7 Feby. 1781 |
| The rank of captive officers | 12 Feb. 1781 |
| The accounts of John Henderson | 13 Feby. 1781 |
| The half pay &c. of Col. D. Campbell | 16 Jany. 1781 |
| Paying S. Caldwell in bills of exchange | 16 Mar. 1781 |
| Furnishing supplies | 8 Mar. 1781 |
| House rent and compensation for extra services to J. Gibson | 26 Jany. 1781 |
| The pay of deputy quarter masters and artificers | 13 April 1781 |
| The purchase of blankets and Indians near Schenectady | 29 Mar. 1781 |
| The reward of Mr Dumas's Services | 2 May 1781 |
| Joseph Eaker's accounts | 25 May 1781 |
| Retaliation for British cruelty | 11 June 1781 |

Ought to be acted upon.

~~*Resolved*, That the Secretary of Congress prepare a state of the reports which shall be hereafter delivered into his hands or have been already delivered since the ——— day of July, 1781, and unacted upon specifying by whom and when made together with the purport thereof.~~

*Resolved,* That the Secretary of Congress prepare and preserve a similar state of all the reports delivered at any time into his hands since the ~~sixth~~ 25 day of July 1781, so much as relates to a fitness or unfitness to be acted upon excepted, and that he read a list of all the depending reports every day immediately after the dispatches.[1]

On a report of the Board of War of the 27 May, 1779:

*Resolved,* That as the corps of light dragoons are generally detached from each other, which renders it impracticable for their brigade chaplain to perform the duties of his office, such a chaplain is unnecessary; and that the present brigade

[1] This report, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress*, No. 23, folio 69. It is included in the list of reports in No. 31, folio 371–2.

chaplain to the light dragoons, if any there be, be discharged from the service.

On a report of the Board of War of 24 July, 1779:

*Resolved,* That the supreme executive council of Pensylvania be requested to appoint proper persons to make a just ~~and conscionable~~ appraisement of the leaden spouts taken in the year 1777, from the houses of sundry inhabitants of Philadelphia, by order of Congress, for the use of the United States; and that they direct the appraisers to return to the Board of War and Ordnance such their valuation and appraisement.

~~Ordered, That the Board of War and Ordnance on receiving the said appraisement, direct the commissary general of military stores to pay the sums due thereon to the respective persons entitled to receive the same, on their application.~~ [1]

On a report of the Board of War of 19 December, 1780:

*Resolved,* That the Board of War and Ordnance be, and hereby are authorised and directed to take measures for vacating the contract made by order of Congress the 19 day of September, 1777, with James Byers, cannon-founder.

*Ordered,* That the remainder of the report of the Board of War be re-committed to the Board to take order.

~~*Ordered*, that the report of the Board of War, of 3 February, 1781, on a memorial of Lieutenant Colonel Flouri;~~

~~That the report of the said Board, of the 6th March, 1781, with an estimate for equipping Colonel Moylan's corps;~~

~~That the reports of the said Board, of 15 March and 13 June, 1781, respecting the western frontiers;~~

~~That their report, of 3 December, 1779, relative to arms, cloathing, &c.;~~

[1] The report of July 24, 1779, is in the *Papers of the Continental Congress*, No. 148, II, folio 207.

~~That their report, of 16 May, 1781, on the case of Doct. Peres;~~

~~That the remainder of their report, of 16 June, on the medical department;~~

~~That their report, of June 12, on the case of Lieutenant Moore of the Convention prisoners;~~

~~That their report, of June 20, on the case of D. Weaver; and~~

~~That their reports of July 17 and 20, respecting the passages of sundry officers from Charlestown; be not acted upon.~~

*Ordered,* That the consideration of the report of the Board of War, of 3 April, on a letter of Brigadier General Thompson, be postponed.

*Ordered,* That the reports of the Board of Treasury, of 16 and 18 January, 1781, relative to the payment of interest, be referred to a committee of three:

The members, Mr. [Roger] Sherman, Mr. [James] Duane, Mr. [George] Clymer.

*Resolved,* That the memorial and accounts of Colonel Nathaniel Gist, with the report of the commissioners of the chamber of accounts thereon, be referred to the Board of Treasury, and that they pass to the credit of the said Colonel Gist in the books of the treasury such sum as they shall find to be justly due to him, the same to bear interest of six per cent. per annum from the time it ought to have been paid until payment is made.

*Ordered,* That the report of the Board of Treasury, of 7 and 8 March, 1781, on the memorial of Captain Greene, be referred to the Board of War.

*Ordered,* That a report of the Board of Treasury, of the 23 February, 1781, on the salaries of the respective loan officers, be referred to the superintendant of finance.

*Ordered*, That the report of the Board of Treasury, of 12 March, 1781, respecting the accounts of the late Mons du Coudray, be referred to a committee of three:

TREASURY OFFICE *March 12th 1781.*

The Board of Treasury to whom was referred the letter from the Hon^ble^ the Minister of France to his Excellency the President of the United States in Congress assembled on the subject of the affairs of the late Monsieur De Coudray dated the 4th instant beg leave to report as follows:

That the Board have attentively considered the Memorial of Monsieur De Jardin, a brother of the deceased to Monsieur Gerard the late Minister of France to these United States, which states the following claims to be due to the Estate of the deceased, translated from the French in the following words:

| | | |
|---|---|---|
| Due from the 1st of August 1776 according to the treaty a copy of which is with the Congress until the 15th of September the day of his death, making thirteen months and a half at twenty-four thousand livres per annum amounts to | | 27,000 |
| From which is to be deducted— | | |
| Received in the paper of the United States 3523⅔ dollars at the rate of 57s. 1d. of France according to the Estimation of Congress making | 10,057..2..7 | |
| Granted for the return of his two servants | 900..0..0 | |
| | | 10,957.. 2..7 |
| Balance | | 16,042..17..5 |

The Board upon enquiry find that the sum charged for pay is according to the State given in by Mons. Le Brun Mons. Du Coudray's secretary, and which it is presumed is conformable to the contract made with Mr. Dean. They also find that the sum in paper currency is agreeable to the balance, as adjusted with Monsieur Le Brun; and that the only difficulty rests in estimating the value of the paper money in the money of France, so as to do equal justice. The claimant fixes the value of the dollar at 57. Sous 1d mentioning it to

be the *estimation* of *Congress*. This is valuing the dollar at somewhat less than three livres; and the Board presume it is in consequence of information the Monsieur de Jardin received from Le Brun of the manner of his settling the pay of the corps of officers who came to America under the ———— of du Coudray and who returned with him (Le Brun) to France, for it appears by the settlement of the pay roll of those officers in which the French pay is converted into dollars at 5 livres the dollar, that a ballance of 7220 dollars was on the 17th of November reported to be due and actually paid by a warrant on the Treasurer of the United States; afterwards Congress appointed a Committee to reconsider this report, who reported on the 14 of the same month (to which the Board refer) that the sum of fourteen thousand five hundred and eighty livres should be paid them in bills of exchange on the Commissioners in Paris, which was accordingly done, and valuing the dollar at five livres amounted to 2916 dollars. Upon what principle this allowance was made by the Committee does not appear, but the presumption is it was to reimburse those officers the loss they would sustain in purchasing bills upon France, and this opinion is strengthened, if the mode in which the account of General De Formoy was adjusted is attended to: for it appears by an Act of the 16th of February the balance was to be taken in a bill of exchange at 3 livres per dollar, "being the present exchange." This being the best State of the business the Board can give, they beg leave to submit a report of the Commissioners of the Chambers of Accounts made in consequence of an order of the Superintendant of the Treasury of the 4th of Sept 1779, which is adjusted on the principal laid down in the before mentioned Memorial and constitutes a balance due to the heirs of De Coudray of 14,886 livres 4s. 1d. but if the dollar is to be rated at five livres this balance will be reduced to 7325 livres.[1]

The members, Mr. [James] Duane, Mr. [Thomas] Bee, Mr. [Roger] Sherman.

*Ordered*, That the report of the Board of Treasury, of 29 March, 1781, with an account of the loan officers who have neglected to make proper returns to the Board, be referred to the superintendant of finance.

[1] This report is in the *Papers of the Continental Congress*, No. 136, V, folio 163.

~~*Resolved*, That the report of the Board of Treasury, of 27 October, 1780, on an account of F. Hopkinson;~~

~~That their report of 22 January, 1781, relative to the owners of rum;~~

~~That their report, of 27 January, 1781, respecting money to recruit Armand's legion;~~

~~That their report, of 20 February, 1781, for paying J. Ross with tobacco;~~

~~That their report of 6 April, 1781, respecting supplies furnished Mr. Holker;~~

~~That their report, of 7 April, 1781, relative to the depreciation to be allowed to certain civil officers;~~

~~That their report, of 12 April, 1781, on Wm. Kinnan's salary; and~~

~~That their reports, of 22 May and 6 July, 1781, for money to be paid to J. Hitzheimer and E. Hazard; be not acted on.~~

*Ordered,* That the farther consideration of the report of the committee on reports be postponed.

The Board of War, to whom was referred a letter, of 22, from Musco Livingston, delivered in a report; Whereupon,

*Resolved,* That the Board of War be and hereby are empowered to grant the proper passports to such vessel as shall be employed by Muscoe Livingston at his expence for the purpose of bringing his family from Jamaica on such terms as the said Board shall think proper.[1]

On motion of Mr. [James Mitchell] Varnum, seconded by Mr. [James] Duane,

*Ordered,* That a circular letter be written by the President, to the executives of the states unrepresented in Congress, urging them, in the strongest terms, to send forward a full representation as expeditiously as possible.

Adjourned to 10 o'Clock to Morrow.

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 209.

FRIDAY, AUGUST 24, 1781

The report of the committee on reports was again taken into consideration; and Thereupon,

On a report of the Board of Admiralty of the 8th of July, 1781:

ADMIRALTY OFFICE *July* [June] *8th 1781.*

The Board of Admiralty to whom the letters from T. [J] D. Schweighauser were referred on the 3d Instant have the honor to report to the United States in Congress assembled as their opinion.—

That as it is highly probable that Mr Palfrey, who was appointed Consul General for the Kingdom of France perished on his passage to that Country, Joshua Johnson Esqr, to whom it appears by said letters the Minister Plenipotentiary had applied to examine the accounts of T. [J] D. Schweighauser against the Frigate *Alliance*, and who thought he was not authorized to do it, should by an act of your honorable body be empowered to execute that business, and that the said Minister should be directed to pay the balance due to Mr Schweighauser, when said accounts shall have been examined and liquidated by Mr Johnson.[1]

*Resolved*, That Joshua Johnson, esq. be, and he is hereby authorised to examine, audit and settle the accounts of T. [J] D. Schweighauser, against the frigate *Alliance;* and that the minister plenipotentiary of these United States at the Court of Versailles be, and he is hereby empowered and directed to pay the balance that may be found due to the said T. [J] D. Schweighauser, upon the liquidation and settlement of the said J. Johnson.[2]

*Ordered*, That the instructions to the delegates of Georgia and their motion thereupon respecting Major General Howe, be referred to a committee of three:

The members, Mr. [Roger] Sherman, Mr. [James] Duane, Mr. [Edmund] Randolph;

[1] This report is in the *Papers of the Continental Congress*, No. 37, folio 485. The indorsement shows that it was delivered and read June 15.

[2] This resolution was also entered in the manuscript Secret Journal, Foreign Affairs.

That the report of the committee, of 4 August, 1780, on the letter, of 12 July, from J. Bradford, be referred to a committee of three:

The members, Mr. [Roger] Sherman, Mr. [James] Duane, Mr. [George] Clymer.

A letter, of this day, from the superintendant of finance, was read:[1]

*Ordered,* That it be referred to a committee of three:

The members, Mr. [Thomas] Bee, Mr. [Samuel] Osgood, Mr. [Roger] Sherman.

The committee ‖consisting of Mr. Montgomery, Mr. Lovell, Mr. Atlee, Mr. Walton‖ to whom were referred the reports of the Board of War, of the 10th and 15, delivered in a report; Whereupon,

*Resolved,* That until the further order of Congress, the treasurer of the United States be, and he is hereby authorised and directed to pay to Elizabeth Bergen, by quarterly payments, the sum of fifty-three dollars and one-third of a dollar per annum, from the 13 day of July last.

That a warrant issue on the treasurer in favour of Andrew Pepin for eighty dollars on account.[2]

On motion of Mr. M[eriwether] Smith, seconded by Mr. [Joseph] Jones,

*Resolved,* That the ~~financier~~ Superintendant of finance be, and hereby is directed to make provision for support of the civil list, agreeably to the resolution of the 30 day of July last; the report of the Board of Treasury, and the act of Congress thereon of the 2d instant, notwithstanding.

The Committee to whom it was referred to arrange the reports on file, in such order that those which call for most immediate Consideration should be first taken up,

[1] This letter is in the *Papers of the Continental Congress*, No. 137, I, folio 117.

[2] This report, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 19, I, folio 313.

Beg leave to report,

That among others the Reports hereafter mentioned remain on file undetermined and ought in the opinion of your Committee to be taken up in the order following:

1. Report of the Board of Treasury on General Arnold's Accounts.
2. Report of the Board of Treasury on supplies for the fleet of his most Christian Majesty.
3. Report for a treaty of Commerce with the United Provinces of the Netherlands.
4. Report of a plan for conducting Commercial affairs.
5. Report on Memorial of General Officers.
6. Report on a Monument in honor of General Count Pulaski.
7. Report on an account of William Duer Esq.

That your Committee not having finished the business assigned to them beg leave to sit again.[1]

The Committee to whom was referred the memorial of Charles Crowly, beg leave to Report,

That his claim against the United States, being founded on an impress of a vessel into public service, and lost in the necessary defence of one of them, cannot now be taken into consideration, but must remain to be considered with many other cases in the same predicament, heretofore postponed by divers resolutions of Congress.[2]

Adjourned to 10 o'Clock to Morrow.

## SATURDAY, AUGUST 25, 1781

The committee of the week made report; Whereupon,

The Committee of the Week

Report

A letter from the Inspectors of the Press. Referred to the Committee appointed to confer with the Superintendant of Finance, upon the means of providing for the civil List.

A Petition from John Mulhallon praying payment for Horses lost with Southern Army—

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 23, folio 55. It was delivered May 9, 1780, and on August 24, 1781, decided: "Not to be acted upon."

[2] This report, in the writing of George Walton, was delivered, as the indorsement shows, on November 10, 1780, and taken up August 24, 1781, when it was decided not to act upon it. It is in the *Papers of the Continental Congress*, No. 19, I, folio 613.

Referred to the Board of War.

A Letter from William Turnbull & C° addressed to John Brown, Sec^y of the Admiralty, demanding the replacing flour borrowed for the Frigate *Trumbull.*

Referred to the ~~Board of War~~ Superintendant of Finance to take order.

A letter from George Turner with sundry papers enclosed.

Referred to the Board of War.[1]

*Ordered,* That a letter from the inspectors of the press be referred to the superintendant of finance;

That a petition from John Mulhallon be referred to the Board of War;

That a letter of William Turnbull & Co. to John Brown Secretary of the Admiralty be referred to the superintendant of finance to take order;

That a letter from George Turner, with sundry papers enclosed, be referred to the Board of War.

A report of the Board of War on the memorial of C. Wirtz was read; Whereupon,

*Ordered,* That the memorial of C. Wirtz and the letter from the Board of War, with the paper enclosed on the subject of his account, be referred to the Board of Treasury, who are hereby directed finally to adjust the same.

Adjourned to 10 o'Clock on Monday.

## MONDAY, AUGUST 27, 1781

A letter, of 4, from Tho Jefferson, was read:

*Ordered,* That the same be considered on Wednesday next.

A letter, of 18, from General Washington;[2]

A letter, of 10, from the governor of Virginia;

A letter, of 14, and one, of 21, from Major General Marquis de la Fayette, were read.

[1] This report, in the writing of Samuel John Atlee, is in the *Papers of the Continental Congress*, No. 32, folio 229; Mulhallon's petition is in No. 42, V, folio 265; Turner' letter, dated August 23, 1781, is in No. 78, XXII, folio 473.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, X, folio 219.

A letter, of 16, from N. Barber, was read:[1]

*Ordered,* That it be referred to the committee on the report of the Board of War respecting an allowance for depreciation to the staff of the army.

The committee of the week made report; Whereupon,

The Committee of the week
Report
A Letter from Joseph Pennell pay master to the Navy Board. &?
Referred to the Committee appointed to confer with the Superintendant of Finance upon M. Holker's letter, demanding flower supplied the *Trumbull.*[2]

*Ordered,* That a letter, of 23, from J. Pennell, be referred to a committee of three:

The members, Mr. T[homas] Smith, Mr. [Daniel] Mowry, Mr. [Richard] Howly;

That a letter, of 25, from the lieutenant governor and sundry members of council of the State of South Carolina be referred to a committee of three, who are to confer with the superintendant of finance on the subject:[3]

The members, Mr. [Roger] Sherman, Mr. [John] Mathews, Mr. [Edmund] Randolph;

That a petition of Samuel Bryan be referred to the committee of commerce;

That a memorial of James Finley be referred to the Board of Treasury.[4]

The committee to whom was referred the letter, of 16 August, from James Jay;

[1] The Virginia letter is in the *Papers of the Continental Congress,* 71, II, folio 121; Lafayette's, of the 14th, is in No. 156, folio 222, that of the 21st being on folio 230; Barber's letter is in No. 78, IV, folio 241.

[2] This report, in the writing of Samuel John Atlee, is in the *Papers of the Continental Congress,* No. 32, folio 233.

[3] This letter is in the *Papers of the Continental Congress,* No. 72, folio 538.

[4] This report, in the writing of Samuel John Atlee, is in the *Papers of the Continental Congress,* No. 32, folio 231. Bryan's petition is in the *Papers of the Continental Congress,* No. 41, I, folio 361. Finlay's memorial is in the *Papers of the Continental Congress,* No. 41, III, folio 252.

The committee on the letter, of 19th, from A. Spotswood; and

The committee on the letter, of 24, from the superintendant of finance, delivered in their several reports:

*Ordered,* That a plan reported by the last mentioned committee for regulating the business of the treasury office be referred to a committee of three:[1]

The members, Mr. [James] Duane, Mr. [George] Clymer, Mr. [Thomas] Bee.

A motion was made by Mr. [James Mitchell] Varnum, seconded by Mr. [George] Walton:

*Resolved,* That the Board of War take order for selling the Guns and Stores late belonging to the Sloop *Argo* in the State of Rhode Island and discharge a Bill drawn by the President of Congress on the Loan Officer of said State in favor of Messrs Nicholas and John Brown and bearing date the 3d July A D. 1781.

~~*Resolved,* That the cannon and stores belonging to the Sloop *Argo* be disposed of by order of the Superintendant of Finance for Specie, and that the Specie arising therefrom be deposited in the hands of the said superintendant subject to the future order of Congress.~~[2]

*Ordered,* That it be referred to a committee of three:

The members, Mr. [John] Mathews, Mr. [Samuel] Osgood, Mr. [Theodorick] Bland.

The report of the committee on the letter, of 19, from A. Spotswood, was taken into consideration; and Thereupon,

*Resolved,* That the request of General Spotswood cannot at present be complied with.[3]

A letter from J. Brown, enclosing a letter, of 15, from [the] navy board at Boston, was read; Whereupon,[4]

[1] The plan reported is in the *Papers of the Continental Congress*, No. 136, V, folio 445.

[2] This motion, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress*, No. 36, I, folio 217. The paragraph struck out is in the writing of Theodorick Bland.

[3] This report is in the *Papers of the Continental Congress*, No. 78, XXI, folio 109, indorsed on Spotswood's letter.

[4] The Navy Board's letter is in the *Papers of the Continental Congress*, No. 28, folio 245; Brown's, dated August 27, 1781, is in No. 78, IV, folio 245.

The report of the committee on the motion relative to the navy was taken into consideration, and after debate:

*Ordered,* That it, together with the letters aforesaid, be re-committed, and that two members be added to the committee:

The members, Mr. [James Mitchell] Varnum, Mr. [James] Duane.

A motion was made by Mr. [Edmund] Randolph, seconded by Mr. [Joseph] Jones:

*Ordered,* That it be referred to a committee of three:

The members, Mr. [Edmund] Randolph, Mr. [James] Duane, Mr. [John] Witherspoon.

A note was received from the hon^ble^ the Minister of France, enclosing an account of the arrival of a transport at Boston with stores for the United States:

*Ordered,* That it be referred to the Board of War to take order.

Adjourned to 10 o'Clock to Morrow.

## TUESDAY, AUGUST 28, 1781

A letter, of 27, from General Washington;[1] and

A letter, of this day, from Major General St. Clair, were read:

~~*Ordered*, That the letter from Major General St. Clair be referred to the superintendant of finance.~~

A letter, of 30 March, from William Carmichael, was read:[2]

*Ordered,* That so much thereof as relates to the good offices of the Count de Montmorin to Mr. Jay be referred to the committee appointed to confer with the hon^ble^ the Minister of France.

[1] This letter is in the *Papers of the Continental Congress*, No. 152, X, folio 224.

[2] Carmichael's letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 341.

The committee to whom was referred the letter from the lieutenant governor and sundry members of the privy council of South Carolina,

The committee on the motion of Mr. [James Mitchell] Varnum, and

The committee to whom was re-committed the plan of a convention for regulating the powers of consuls, vice consuls and agents, delivered in their several reports.

*Ordered*, That Thursday next be assigned for the consideration of the last report.

The report of the committee on the letter from the lieutenant governor and sundry members of the privy council of South Carolina was taken into consideration, and, after debate,

The Committee, to whom was referred the Letter from the Lieutenant Governor, and Members of the Privy Council of the State of South Carolina, Report

That altho' their sufferings cannot be remembered, but with approbation of their patriotic fortitude, and resentment against the Enemy it is not within the ability of the United States, great as those sufferings may be, to make advances of money at present, not immediately ministering to the operations of War.

But for as much as by the reestablishment of Government in South Carolina, that State will be the sooner able to supply its quota of men and money, the friends of America will receive fresh confidence, and the British foe feel their impotence to abolish political power, as founded upon the principles of the revolution;

And whereas the exertions of the said Lieutenant Governor and Members of the Privy Council, will greatly contribute to the production of these public benefits, but British avarice and perfidy have thrust them from their country, spoiled of the means of returning home, in defiance of a solemn capitulation;

*Resolved*, That it be an instruction to the Superintendant of Finance, to pay as soon as he can to the Honorable Christopher Gadsden, Thoˢ Ferguson, Richard Hutson, Benjamin Cattell and David Ramsay Esquires, each two hundred and sixty six dollars,

and two thirds of a dollar in specie to be charged to the State of South Carolina and that the Board of War be directed to furnish to them a waggon and team ~~to enable them to return to the said State.~~

The Committee beg leave to set again,[1]

*Ordered,* That it be re-committed.

The report of the committee on the motion of Mr. [James Mitchell] Varnum was taken into consideration; Whereupon,

The committee to whom was referred the letter from Nicholas and John Brown to the Delegates of Rhode Island and the motion of Mr. Varnum thereon, report

*Ordered,* That a letter, of 30 July, from Nicholas and John Brown to the delegates of Rhode Island, with the order on Joseph Clark, commissioner of the continental loan office of the said State, accompanying the same, be referred to the superintendant of finance to take order.

*Ordered,* That the Board of War make sale of the cannon and stores, now in the State of Rhode Island, and late belonging to the sloop *Argo,* for specie only; and that the monies arising therefrom, be placed in the hands of the superintendant of finance.[2]

The Committee of Commerce reported on a memorial of William Bingham.

*Ordered,* That Mr. [Theodorick] Bland have leave of absence.

A motion was made by Mr. [John] Mathews, seconded by Mr. [Theodorick] Bland:

*Ordered,* That it be referred to a committee of three:

The members, Mr. [John] Witherspoon, Mr. [John] Mathews, Mr. [Roger] Sherman.

[1] This report, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress,* No. 72, folio 542.

[2] This report, in the writing of John Mathews, is in the *Papers of the Continental Congress,* No. 19, I, folio 425.

*Ordered*, That the letter from Major General St. Clair be referred to a committee of three, who are to confer with the superintendant of finance on the subject:

The members, [Mr. James] Duane, Mr. [James Mitchell] Varnum, Mr. [Joseph] Jones.

The ordinance relative to captures was taken up for a second reading, and some progress being made:

The committee to whom was re-committed the plan of a convention for determining and fixing the functions and prerogatives of consuls, &c. delivered in a report.

*Ordered*, That Thursday next be assigned for the consideration thereof.[1]

Adjourned to 10 o'Clock to Morrow.

## WEDNESDAY, AUGUST 29, 1781

A letter, of 30 December last, from J. de Neuville & Sons, was read.

A petition of Thomas Smith and William Stone was read:[2]

*Ordered*, That it be referred to the Board of War.

The committee on the letter, of 28, from Major General St. Clair;

The committee to whom was re-committed a report respecting the marine department;

The committee to whom was re-committed the report on the letter, of 25, from the lieutenant governor and several

[1] These two paragraphs were entered only in the manuscript Secret Journal, Foreign Affairs. See *post* January 2, 1782.

A letter of this date from Robert Morris was presented to Congress, probably on this or an approximate date. It is in the *Papers of the Continental Congress*, No. 137, I, folio 121.

[2] De Neufville's letter, dated December 28, is in the *Papers of the Continental Congress*, No. 145, folio 49; the petition of Thomas Smith and William Stone, dated August 27, 1781, is in No. 42, VII, folio 117.

members of the privy council of the State of South Carolina; and

The committee on the report of the Board of Treasury, of 12 March last, respecting the accounts of Mr. du Coudray;

The committee on the letter, of 9th, from General Schuyler relative to the Caghnawaga Indians; delivered their several reports.

Mr. [John] Mathews laid before Congress information given by Mr. J. Neufville, respecting the treatment of Colonel Isaac Haynes by the British commandant at Charlestown; and, thereupon, made a motion, which was seconded by Mr. [George] Walton:

Whereas Congress have been repeatedly informed that the officers of his Britannic Majesty, commanding within these United States, had in the most wanton and barbarous manner, in cold blood, put to death divers citizens of these States, under the false and insidious pretence of their having returned to their allegiance to his said Majesty and had again revolted therefrom, and were taken in arms fighting against his said Majesty's forces in America, when the fact was that numbers of the inhabitants of these States had been driven by the most cruel oppressions, to take protections from accumulated violence under British domination—notwithstanding which, reiterated violence continuing to be exercised on their persons and property, had as soon as possibly they could openly profess their love to their country by taking up arms in its defence which by the most solemn engagements, they had been bound to do, and which nothing but the duty they owed to their helpless wives and children, could have prevented them from doing in the first instance and although repeatedly called on by British officers to take up arms against their country they had uniformly refused to do, being directly contrary to stipulations entered into by them, when they submitted to receive protection under the British usurpation;

And Whereas Congress have at length obtained the most indubitable proof of such their proceedings by the horrid murder of Col. Haynes an officer in the militia of the State of S$^{o}$ Carolina and taken as such in the just defence of his country, fighting against his said Majesty's forces in the said State of South Carolina, and having been

one of those persons, who had been driven to submit to receive a British protection. They in consequence thereof had ordered him to be hanged, which order was carried into execution on the fourth day of this instant August;

And Whereas it is the indispensible duty of this Congress, to guard over the lives and liberties of the citizens of these states and to cause speedy and ample justice to be done on any man or body of men who shall presume wantonly, against the laws of War, of nations and of humanity, shamefully to violate the said laws, or any of them;

And Whereas the officer, commanding the troops of his Britannic Majesty, in the State of South Carolina did cause to be hanged Col. Isaac Haynes an officer in the militia of the State of S$^{o}$ Carolina under sentence of his being a British subject, which said act being not only contrary to the laws of War, but highly dangerous to the welfare of these United States if permitted to pass without just retaliation;

*Therefore Resolved,* That the Commander in Chief be directed to cause a British officer, now a prisoner within these United States in the line of the British army ~~of equal rank with Col. Haynes~~ not under the rank of a Major immediately to suffer the same death that was inflicted on Col. Haynes.[1]

*Ordered,* That the said information and motion be referred to a committee of three: the members, Mr. [Edmund] Randolph, Mr. [James] Duane, Mr. [James Mitchell] Varnum.

Another motion was made by Mr. [James Mitchell] Varnum:

*Ordered,* That the same be referred to the foregoing committee.

The report of the committee on the letter from Major General St. Clair was taken into consideration; Whereupon,

The Committee to whom were referred the letter of the 28$^{th}$ of August last from Major General St Clair, beg leave to report—

That they have conferred with the Financier on the subject of the advance of money requested by General St Clair for officers and privates of the Pensylvania line, and that he informs your Committee that it is not in his power to make the said advances—

That your Committee know of no means which enables Congress at present to make the advance requested by General St Clair: and

[1] This motion, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 19, II, folio 81.

they are therefore of opinion that his application ought to be transmitted to his Excellency the President and the Supreme Executive of the State of Pensylvania with an earnest request that they will take the most effectual measures in their power to enable General St Clair to expedite the march of the troops mentioned in his letter.[1]

*Ordered,* That the application of Major General St. Clair be transmitted to his excellency the president and the supreme executive council of the State of Pensylvania and they be earnestly requested to take the most effectual measures in their power to enable General St. Clair to expedite the march of the troops mentioned in his letter.[2]

Congress took into consideration the report of the committee ||consisting of Mr. Bland, Mr. Varnum, Mr. Duane|| respecting the ||Board of Admiralty, the navy boards, and the mode of conducting the business of the navy|| marine department; and Thereupon,

*Resolved,* That for the present an agent of the marine be appointed, with authority to direct, fit out, equip and employ the ships and vessels of war belonging to the United States, according to such instructions as he shall, from time to time, receive from Congress:

That all prizes belonging to the United States be sold under his direction, and the produce deposited by him in the hands of the superintendant of finance:

That all accounts and demands for pay and for all disbursements and expences, respecting the said marine, be transmitted to the said agent for settlement and payment: and that he cause regular entries thereof to be made and kept:

That he shall be allowed a salary ~~of ———— per annum, and be not permitted to receive any other fee~~

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress,* No. 19, V, folio 391.

[2] From this point the entries are by George Bond.

~~commission or emolument whatsoever, for his services~~ [at the rate of fifteen hundred dollars per annum, in full of all charges and expences whatsoever]:[1] that he shall also be allowed a clerk, who shall receive for his services, a salary [at the rate of five hundred dollars per annum:][1]

That both the agent and clerk shall, before they enter into their respective offices, take an oath before the President of Congress, well and faithfully to execute the trust reposed in them, according to the best of their skill and judgment; [and shall enter into bond with good and sufficient security for the due and faithful performance of his office, which shall be lodged in the office of the secretary of Congress:][2]

That as soon as the said agent shall enter on the execution of his office, the functions and appointments of the Board of Admiralty, the several navy-boards, and all civil officers appointed under them, shall cease and be determined:

And lastly, that the registers, books and papers, belonging to the admiralty and navy boards, or in their custody, shall be delivered over to the said agent, and preserved by him.[3]

*Ordered*, That Monday next be assigned for the election of an agent of the marine.[4]

Adjourned to 10 o'Clock to Morrow.

## THURSDAY, AUGUST 30, 1781

The report of the committee ||consisting of Mr. Sherman, Mr. Mathews, Mr. Randolph|| on the letter, of 25, from the lieutenant governor and sundry members of the privy council of South Carolina, was taken into consideration; Whereupon,

[1] The words in brackets are in Thomas McKean's writing in the report.

[2] The words in brackets are in Theodorick Bland's writing in the report.

[3] This report, in the writing of James Duane, except as already specified, is in the *Papers of the Continental Congress*, No. 28, folio 249.

[4] Here Charles Thomson resumes the entries.

The Committee to whom was re-committed the letter from the Lieutenant Governor, and members of the Privy Council of the State of South Carolina, having conferred with the Superintendent of Finance—Report the following Resolutions:

*Ordered*, That a warrant be drawn on the treasurer to advance to the Hon. Christopher Gadsden, lieutenant governor of the State of South Carolina, and the Hon. Thomas Ferguson, Richard Hutson, Benjamin Cattel and David Ramsey, members of the privy council of the said State, the sum of two hundred and sixty-six dollars and two-thirds of a dollar specie, each, on their application, and charge the same to the account of the said State:

*Ordered*, That the Board of War furnish the Hon. Christopher Gadsden, Thomas Ferguson, Richard Hutson, Benjamin Cattel and David Ramsey, with a waggon and team to carry their baggage to South Carolina.[1]

The ordinance relative to captures was again taken into consideration for a second reading, and some farther progress being made therein:

Adjourned to 10 o'Clock to Morrow.

## FRIDAY, AUGUST 31, 1781

The committee of the week made report; Whereupon,

The Committee of the Week report as follows:

That a petition of divers of the Inhabitants of the State of Pensylvania respecting the depreciation of the money lie on the table.

That the petition of Roger Kean for himself, the Officers, Mariners and Marines of the private Brigantine of War called the *Holker* be referred to a special Committee.

That the memorial of Col? Van Schack be referred to a special Committee.

[1] This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 20, II, folio 409.

That the letter of the Chev[r] Dubuisson asking permission to return to France, intreating that Congress would grant him some testimonial of their approbation of his services, and that he might receive, if possible, bills of Exchange on France on account of his pay, be referred to a special Committee.

That the memorial of Mathew Irwin be read in Congress.

That the letter of Lewis Evans and Anthony Carne the one late a Carpenter's Mate, the other a private Seaman on board the *Confederacy* requesting the payment of wages due to them for services on board the said Ship of War be referred to the Board of War.[1]

*Ordered*, That a petition of divers inhabitants of the State of Pensylvania be referred to the committee on the memorials from sundry merchants respecting depreciation;

That a petition of Roger Kean in behalf of himself and others be referred to a committee of three:

The members, Mr. [George] Clymer, Mr. [Edmund] Randolph, Mr. [Daniel] Carroll;

That a memorial of Colonel Van Schack and the letter from Chevalier du Buysson be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [Samuel John] Atlee, Mr. [Thomas] Bee;

That a letter of Lewis Evans and Anthony Carnes be referred to the Board of War.

A memorial of Thomas Savage was read:[2]

*Ordered*, That it be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [George] Walton, Mr. [Thomas] Bee.

A report from the Board of War, on a letter of this day, from Brigadier General Knox, in pursuance of orders from

[1] This report, in the writing of Nicholas Eveleigh, is in the *Papers of the Continental Congress*, No. 32, folio 235.

The Pennsylvania petition is in the *Papers of the Continental Congress*, No. 42, VI, folio 254; Kean's petition is in No. 41, V, folio 87; Van Schaick's memorial is in No. 41, X, folio 327; Du Buysson's, dated August 31, 1781, is in No. 78, VII, folio 403; Evans and Carnes's letter, dated August 30, 1781, is in No. 78, VIII, folio 371.

[2] This memorial is in the *Papers of the Continental Congress*, No. 41, IX, folio 175.

the Commander in Chief, was read; wherein they recommend that it may be resolved,

WAR OFFICE *August 31st 1781.*

SIR,

The Board do themselves the honor to lay before Congress the Copy of a letter this moment received from Brigadier General Knox, and beg leave to observe that Congress by their act of the 26th of April last directed the Board of War to cause to be repaired and sent to the States of Virginia and North Carolina a number of arms not exceeding 2000 to each State. A part have been repaired and forwarded to Virginia, and about 1000 are now ready that were intended for North Carolina which must be sent with the army now going to the Southward, if the request contained in the enclosed letter is complied with, and notwithstanding the Board are decided in opinion that General Knox's request should be complied with, yet when they consider the aforementioned Resolution they do not think themselves at liberty to give the necessary orders. Should Congress agree to the opinion of the Board it may be proper to resolve,

That the Board of War take order for forwarding to the southern army, all the repaired arms in the city of Philadelphia, to be disposed of as the Commander in Chief shall think proper, the resolution of the 26th of April last notwithstanding.

N. B. If Congress should think proper to agree to the report the Board will direct the quantity allotted to North Carolina to be repaired out of the arms upon hand in this City and sent forward as soon as possible.[1]

A motion was made by Mr. [William] Sharpe, seconded by Mr. [Daniel] Carroll, to strike out the words "southern army," and in lieu thereof, insert, "governor of the State of North Carolina;" and to strike out what follows the word "Philadelphia," and in lieu thereof, insert, "for the purpose of arming the new levies raised in that State for the service of the United States."

On the question to agree to this, the yeas and nays being required by Mr. [William] Sharpe,

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 217.

| | | |
|---|---|---|
| *New Hampshire,* | | |
| Mr. Livermore, | no | * |
| *Massachusetts,* | | |
| Mr. Lovell, | no | no |
| Partridge, | no | |
| Osgood, | no | |
| *Rhode Island,* | | |
| Mr. Mowry, | no | no |
| Varnum, | no | |
| *Connecticut,* | | |
| Mr. Sherman, | no | * |
| *New York,* | | |
| Mr. Duane, | no | no |
| L'Hommedieu, | no | |
| *Pennsylvania,* | | |
| Mr. Atlee, | no | no |
| Clymer, | no | |
| *Delaware,* | | |
| Mr. McKean, | no | * |
| *Maryland,* | | |
| Mr. Jenifer, | no | div. |
| Carroll, | ay | |
| *Virginia,* | | |
| Mr. Jones, | no | no |
| Madison, | no | |
| Bland, | no | |
| M. Smith, | no | |
| Randolph, | no | |
| *North Carolina,* | | |
| Mr. Sharpe, | ay | * |
| *South Carolina,* | | |
| Mr. Mathews, | no | no |
| Eveleigh, | no | |
| *Georgia,* | | |
| Mr. Walton | no | no |
| Howly, | no | |

So it passed in the negative.

On the question to agree to the report of the Board of War, the yeas and nays being required by Mr. [William] Sharpe,

| | | |
|---|---|---|
| *New Hampshire,* | | |
| Mr. Livermore, | ay | * |
| *Massachusetts,* | | |
| Mr. Lovell, | ay | ay |
| Partridge, | ay | |
| Osgood, | ay | |
| *Rhode Island,* | | |
| Mr. Mowry, | ay | ay |
| Varnum, | ay | |
| *Connecticut,* | | |
| Mr. Sherman, | ay | * |
| *New York,* | | |
| Mr. Duane, | ay | ay |
| L'Hommedieu, | ay | |
| *Pennsylvania,* | | |
| Mr. Atlee, | ay | ay |
| Clymer, | ay | |
| *Delaware,* | | |
| Mr. McKean, | ay | * |
| *Maryland,* | | |
| Mr. Jenifer, | ay | div. |
| Carroll, | no | |
| *Virginia,* | | |
| Mr. Jones, | ay | ay |
| Madison, | ay | |
| Bland, | ay | |
| M. Smith, | ay | |
| Randolph, | ay | |
| *North Carolina,* | | |
| Mr. Sharpe, | no | * |
| *South Carolina,* | | |
| Mr. Mathews, | ay | ay |
| Eveleigh, | ay | |
| *Georgia,* | | |
| Mr. Walton, | ay | ay |
| Howly, | ay | |

So it was resolved in the affirmative.

Another report of the Board of War was read:

*Ordered*, That it be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [Roger] Sherman, Mr. [Samuel John] Atlee.

*Ordered*, That Mr. M[eriwether] Smith have leave of absence.

The committee, ||consisting of Mr. Randolph, Mr. Vandyke, Mr. Ellsworth,|| to whom was referred the memorial of the honorable the Minister of France of 23, informing, "that the situation of affairs requires that Mr. de l'Etombe, consul-general of France, in the four New England states, should immediately repair to the place of his destination, delivered in a report; [Whereupon,][1]

The Committee to whom was Referred the Memorial of the Minister of France of the 23d of August 1781, Report,

That upon M. de L'Etombe ~~consul-general of France in the States of New-Hampshire, Massachusetts, Connecticut and Rhode Island and Providence Plantations ought to present~~ presenting his commission to the United States in Congress Assembled,

An act be thereupon passed, recognizing him in his proper character,

That this act be delivered to the Supreme Executive power of the States ~~aforesaid, to be registered by them~~ to which he is sent.

That upon the delivery thereof, the exequatur or a public notification of the quality of M. de l'Etombe shall issue from the Supreme Executive power without fee or perquisite of office, and that until the ratification of some convention respecting consular power between the United States and his Most Christian Majesty, the same mode of recognition be observed.

*Resolved*, That the act of recognition, and the exequatur ought to be in the following forms:

The act of recognition.

By the United States in Congress Assembled.

It is hereby made known to all, whom it may concern, that full credence and respect are to be paid to M. de L'Etombe, as Consul

[1] This paragraph and the resolutions following were also entered in the manuscript Secret Journal, Foreign Affairs.

General of France for the States of New Hampshire, Massachusetts Bay, Connecticut and Rhode Island and Providence Plantations which States are called upon respectively, by virtue of the powers, delegated by the confederation to the United States in Congress Assembled, to furnish the said M. de L'Etombe with their exequatur, or a notification of his quality, delivering one copy thereof to the said M. de L'Etombe and causing another to be published in one or more gazettes.

Done at Philadelphia this day of in the year &c.

*Resolved*, That the President inform the Supreme Executive power of the States aforesaid, that Congress recommend ~~for the sake of uniformity~~ the following form of the exequatur to wit:

To all, whom it may concern:

M. de L'Etombe having been recognized by the United States in Congress Assembled as Consul General of France in the aforesaid, It is hereby declared, that the privileges, pre-eminence and authority, belonging to such character and quality are due to him.

&c. &c. &c.[1]

*Resolved*, That upon Mr. de l'Etombe presenting to the United States in Congress assembled, his commission as consul-general of France, an act be thereupon passed recognizing him in his proper character;

That upon the delivery thereof, the *exequatur*, or a public notification of the quality of Mr. de l'Etombe, shall issue from the supreme executive power without fee or perquisite of office:

*Resolved*, That until the ratification of some convention respecting consular power, between his Most Christian Majesty and the United States, the same mode of recognition be observed.

The committee to whom were referred the motions of Mr. [John] Mathews and Mr. [James Mitchell] Varnum, together with the information of Mr. Neufville;

The Committee to whom were referred the motions of Mr Mathews, and Mr Varnum, together with the information of Mr Neufville report,

[1] This report, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress*, No. 19, II, folio 49.

That Mr Neufville delivered to your committee his deposition in the following words:

PENNSYLVANIA *ss.*

Isaac Neufville late of Charlestown in South Carolina of the age of fourteen, Deposeth and saith that he was informed at Charlestown that Col. Isaac Haynes of the South Carolina militia being surprized by a detached party of the British cavalry was taken and carried down to Charlestown. That he was there thrown into the Provost, and as it was publicly reported, was without even the formality of a trial sentenced to death by the British Commandant there. That it was reported that something like a court had been appointed for the purpose of proving the identity of his person. That the Deponent was informed that at the intercession of several persons among whom were many British officers he was respited for 48 hours. That a Petition for his pardon was signed and presented by those gentlemen to the Commandant but without effect.

That the Deponent was further informed that very early on the morning of Thursday the second of this instant a Messenger was sent to Col. Haines to acquaint him that his execution was to take place within an hour, and that it was left to his choice either to walk or ride to the place of execution. That the Deponent was further informed that Col. Haines was again respited without any interposition in his behalf and without any assigned cause till the fourth instant. That on that day in the morning he was escorted by a party of soldiers to a gallows erected without the lines of the town with his hands tied behind, and there hung up till he was dead, this Deponent having been present and an eye witness of the execution.

And further this Deponent saith not.

ISAAC NEUFVILLE.

Sworn the 30th Day of August Anno Domini 1781.

Before me.

THOS. MCKEAN.

*Resolved*, That an attested copy of the said deposition be transmitted to Major General Green, and that he make full enquiry into all the circumstances, attending the execution of Colo. Isaac Haynes, by order of the British Commandant in Charles Town, and that if thereupon it shall appear that such execution was contrary to the laws of war, he cause ~~a British officer, not under the rank of major to be executed in like manner,~~ retaliation to be made in such manner, as is warranted by those laws, and will in his opinion have the most prob-

able tendency to restrain the enemy from such acts of cruelty in future.[1]

The committee to whom was referred a letter from John Brown, of the 18th; and

The Committee to whom was referred a letter from John Brown Secretary to the Board of Admiralty, of the 18th of August, enclosing a letter from Mr Holker Consul General of France dated the 14th of August, Report,

That there appears due to the French volunteers for services on board the ship *Ariel* whose names are in a list transmitted by Mr Holker in his letter directed to the Board of Admiralty of the 14th instant, the sum of six hundred and sixty six dollars, and sixteen ninetieths of a dollar [and that the paymaster of the Navy Board be directed to pay the same].

And this Committee are of opinion that such parts of Mr Holker's said letter as relate to apprehending of French seamen be referred to the Supreme Executive Council of the State of Pennsylvania.[2]

The committee to whom was referred the report of the Board of War, of the 15th;
delivered in their several reports.

Adjourned to 10 o'Clock on Monday.

## MONDAY, SEPTEMBER 3, 1781

A letter from his Most Christian Majesty, received by the honble J. Laurens, was read:

*Ordered*, That it be referred to a committee of three:

The members, Mr. [James] Duane, Mr. [Edmund] Randolph, Mr. [John] Mathews.

A letter, of 2, from the honble J. Laurens, was read, with sundry papers containing an account of the negotiation with

[1] This report, in the writing of Edmund Randolph, the deposition being in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, II, folios 71 and 73. On September 7 it was recommitted, as the indorsement shows.

[2] This report, in the writing of Daniel of St. Thomas Jenifer, except the part in brackets, which is in the writing of Thomas McKean, is in the *Papers of the Continental Congress*, No. 19, I, folio 427.

which he was entrusted by the commission of 23 December, 1780:[1]

*Ordered*, That they be referred to the foregoing committee.[2]

A letter, of 14, and one, of 16 May, from the hon^ble^ B. Franklin, with a duplicate of his letter, of 12 March, were read.

A letter, of 1, from General Washington, was read:[3]

*Ordered*, That it be referred to the Board of War.

A letter, of from Colonel Broadhead at Fort Pitt was read:[4]

*Ordered*, That it be referred to the Board of War to be immediately communicated to the Commander in Chief.

A letter, of from J. Bradford, was read, containing an account of the goods on board the *Douge Druin* arrived at Boston for the United States:

*Ordered*, That it be referred to the Board of War.

A letter, of 26 July, from Major General Greene, was read:

*Ordered*, That it be referred to the Committee of Intelligence.

A letter, of 23 August, from Major General the Marquis de la Fayette, was read, with sundry papers enclosed relative to the treatment of our prisoners in the power of the enemy:[5]

*Ordered*, That the same, together with so much of Doctor Franklin's letter, of 14 May, as relates to prisoners, be referred to the committee to whom was referred the intel-

[1] This letter is in the *Papers of the Continental Congress*, No. 165, folio 137.

[2] The paragraphs in reference to the Laurens letters were also entered in the manuscript Secret Journal, Foreign Affairs.

[3] Franklin's letter, of May 14, is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), page 409; that of March 12 is on page 281. Washington's letter is in the *Papers of the Continental Congress*, No. 152, X, folio 225.

[4] This letter, dated August 24, 1781, is in the *Papers of the Continental Congress*, No. 78, IV, folio 203.

[5] Bradford's letter, dated August 23, 1781, is in the *Papers of the Continental Congress*, No. 78, IV, folio 253; Greene's is in No. 155, II, folio 223; Lafayette's is in No. 156, folio 234.

ligence respecting Colonel Haynes and motions of Mr. [John] Mathews and Mr. [James Mitchell] Varnum.

A letter, of August 25, from R. R. Livingston; and

A letter, of May 15, from S. Deane; were read:[1]

*Ordered*, That a committee of three be appointed to confer with Major Morris aid de camp of General Greene relative to the southern department:

The members, Mr. [James Mitchell] Varnum, Mr. [John] Mathews, Mr. [George] Walton.

The committee of the week was chosen:

Mr. M[eriwether] Smith, Mr. [George] Clymer, Mr. [Thomas] Bee.

The committee to whom were referred the instructions to the delegates of Georgia and their motion in pursuance thereof relative to Major General R. Howe;

The committee on the petition of Roger Kean;

The committee to whom was referred the report of the committee on J. Bradford, of 12 July, 1780;

The committee on the letter of Colonel Van Schack; and

The committee on the letter of Colonel du Buysson; delivered in their several reports.

Adjourned to 10 o'Clock to Morrow.[2]

## TUESDAY, SEPTEMBER 4, 1781

A letter, of this day, from General Washington, was read, relative to the sending an officer to inspect the situation of the prisoners in the power of the enemy; [Whereupon],[3]

*Resolved*, That the Commander in Chief be, and he is hereby, empowered to act in this matter as he shall think most conducive to the public interest.

[1] Livingston's letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 661; and Deane's letter on page 415.

[2] An undated memorial of Hugh Hughes, Deputy Quartermaster General for the middle department, belongs to this period. It is in the *Papers of the Continental Congress*, No. 41, IV, folio 149.

[3] This letter is in the *Papers of the Continental Congress*, No. 152, X, folio 229.

A letter, of 12 April, from Mr. Lee, was read, enclosing a copy of his account:[1]

*Ordered*, That the same be referred to a committee of three:

The members, Mr. [George] Clymer, Mr. [James] Lovell, Mr. [Roger] Sherman:

*Ordered*, That the letter, of 15 May, from S. Deane, be referred to the said committee.

A letter, of 25 August, from the governor of the State of New York was read, with sundry papers enclosed:[2]

*Ordered*, That the same be referred to a committee of three:

The members, Mr. [Samuel] Livermore, Mr. [Joseph] Jones, Mr. [John] Mathews.

The report of the committee ||consisting of Mr. Varnum, Mr. Atlee, Mr. Bee|| on the letter, of 31 August, from Colonel du Buysson, was taken into consideration; Whereupon,

*Resolved*, That Lieutenant Colonel du Buysson have leave of absence to return to France:

*Resolved*, That the Board of War be, and is hereby directed to write to the marquisses de Castres and Segur, ministers of the marine and war departments in France, expressing the high sense which Congress entertain of the distinguished merit and conduct of Lieutenant Colonel du Buysson in the service of the United States, and particularly of his bravery displayed in the action of the 16 August, 1780, near Camden, and his efforts to bring off the field Major General the Baron de Kalb, who was mortally wounded, [in consequence of which services he was honored with the commission of brigadier-general by the governor of North Carolina.][3]

[1] This letter, from William Lee, is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 361.

[2] This letter is in the *Papers of the Continental Congress*, No. 67, II, folio 422.

[3] This report, not in the writing of any member of the committee, is in the *Papers of the Continental Congress*, No. 19, II, folio 119. The portion in brackets was added in Congress.

The committee ||consisting of Mr. Duane, Mr. Randolph, Mr. Mathews|| to whom was referred the letter, of 2d, from Mr. J. Laurens, ||together with sundry papers, containing an account of the negotiation with which he was entrusted, by the commission of the 23d of December, 1780,|| delivered in a partial report; Whereupon,

*Resolved,* That all the clothing, artillery, arms and military stores, shipped in pursuance of the orders of the honorable John Laurens, special minister to the Court [of Versailles, for the use of the United States, be upon their arrival in any of the ports of these United States delivered to the order of the Board of War, who are hereby empowered and directed to take charge and direction of the same.

That all the money shipped by the order of Mr. Laurens, for the use of the United States, be upon its arrival delivered to the order of the superintendant of finance, who is hereby empowered and directed to take charge of the same.

The Committee to whom was referred the letter of Colonel Van Schaick, report that Colonel Van Schaick receive the brevet of Brigadier General, to bear date the day of last.[1]

Adjourned to 10 o'Clock to Morrow.][2]

[1] This report is in the *Papers of the Continental Congress*, No. 19, VI, folio 119. It is in the list of postponed reports in No. 31, folio 371[-3].

[2] The portion in brackets is entered by George Bond.

The following, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 23, folio 75, and appears to have been agreed to on this day. It is indorsed by Thomson: "Copy of a letter sent by the President to Ct. de Rochambeau Sept. 4th 1781 on account of the compliment of the royal salute paid to Congress by the troops under his command in their passing through Philadelphia."

*Resolved,* that the ~~following letter be transmitted by the President to the Commander in Chief to be by him communicated to his Excellency Count Rochambeau~~ President transmit to Count Rochambeau the following Letter:

SIR,

I have the honour to express to your Excellency the satisfaction of Congress ~~at the tribute of respect~~ in the compliment which has been paid to them as the sovereign ~~power of~~ these United States by the troops ~~of our great and good ally~~ his Most Christian Majesty under your command. The brilliant appearance and exact discipline of the several corps do the highest honour to their gallant officers and afford a happy presage of the most distinguished services in a cause which they have so zealously espoused, ~~and can not fail to endear to every American the Prince who gives such proofs of his friendship and affection to his allies.~~

WEDNESDAY, SEPTEMBER 5, 1781

A letter, of 3, from Major General Lincoln, was read:

*Ordered,* That it be referred to the Board of Treasury.

A letter, of from Colonel C Pinkney, was read:[1]

*Ordered,* That it be referred to the Board of War.

A letter, of 21 April, from Mr. de Beaumarchais, was read.

The Board of Treasury report, that in pursuance of the order of 21 June last, they have caused the accounts of Captain Miguel Lorenzo Ysnardy, to be adjusted, and find that there is due to him for eight pieces of cannon and naval stores, delivered to the commanding officer at Charlestown, prior to the siege thereof, the sum of one thousand nine hundred and sixty-seven dollars and $\frac{83}{90}$ of a dollar specie, and for the pay of his ship's company employed during the siege, the farther sum of two thousand two hundred and thirty-seven dollars and $\frac{45}{90}$; that Captain Ysnardy having informed the Board, that the cannon mentioned above, is the property of his Catholic Majesty, and distinct from the stores which are his private stock, the Board has granted him certificates, one for the amount of the cannon, and another for the stores, with which he is satisfied; that Captain Ysnardy declines receiving any satisfaction for the sum due to himself and crew, assisting in the defence of Charlestown, from a desire of shewing his attachment to the American cause.[2]

A report of the Board of War was read; Whereupon,

WAR OFFICE *August 31st, 1781.*

SIR,

The Board have the honor to inform Congress that the Creditors of Mr Caldwell are again importunate to be paid the sums which are respectively due them and have proposed to the Board, that they

[1] Pinckney's letter, dated September 5, 1781, is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 461.

[2] This report is in the *Papers of the Continental Congress*, No. 136, V, folio 453.

should apply to Congress for a warrant on the State of Virginia for the whole sum for which M^r^ Caldwell is liable. The Board have on a former occasion stated this matter to Congress and at present have only to observe that they are circumstanced in a very disagreeable manner, having given the strongest assurances to M^r^ Caldwell for the payment of this money at the time of the delivery of the goods. They therefore request that Congress will be pleased to adopt the method pointed out for satisfying them.

Should they concur in sentiment with the Board, it will be necessary to resolve,

*Resolved*, That the accounts of Samuel Caldwell, late agent cloathier, for articles purchased by him, under the orders of the Board of War, be referred to the Board of Treasury for settlement; and that the Board settle the balances due to the several creditors, and report ~~a warrant for the whole on the State of Virginia~~ the same to Congress.[1]

Another report of the Board of War was read; Whereupon,

WAR OFFICE *Sept 4^th^ 1781.*

SIR,

The Board beg leave to transmit to Congress an application of Capt. Henderson for money on account of pay, that he may be enabled to defray his expences to Lewis Town for the recovery of his health.

As this Gentleman's case is particular, the Board report the following resolution:

*Ordered*, That the Board of War draw a warrant on the paymaster general in favour of Captain John Henderson of the third Pensylvania regiment for three months' nominal pay in bills of the new emission.[2]

The committee ||consisting of Mr. Duane, Mr. Randolph, Mr. Mathews|| to whom was referred the report of the hon^ble^ J. Laurens, special Minister of the United States at the Court of Versailles ||respecting his mission||, delivered in a report; Whereupon,

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 213.

[2] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 223.

*Resolved,* That the conduct of Lieutenant Colonel Laurens, in his mission to the Court of Versailles, as special minister of the United States, is highly agreeable to Congress, and entitles him to public approbation.

*Resolved,* That Lieutenant Colonel Laurens have leave to join the army agreeably to his request.[1]

A memorial of three Indians was read:[2]

*Ordered,* That it be referred to the Board of War to take order.

*Resolved,* That the Board of War take order for putting Lieutenant Colonel de Buysson, with respect to his arrears of pay, on a footing of equality with the rest of the officers of the army; and that his pay be liquidated in specie up to this day, and a certificate for the balance made out and delivered to him.

The report of the committee, ‖consisting of Mr. Clymer, Mr. Randolph, Mr. Carroll,‖ on the petition of Roger Kean, in behalf of himself and the officers, mariners and marines, of the private brigantine of war, called the *Holker,* was taken into consideration; whereby it appearing, that the petitioners entered an appeal according to law against Patrick Mahon and others, in the court of admiralty of Pensylvania, and the necessary stipulations would have been executed in due form, and within due time, had it not been for the indisposition and death of the register:

The Committee to whom was referred the petition of Roger Kean in behalf of himself and the officers mariners and marines of the private brigantine of war called the *Holker,* praying that the Court of appeals may be directed to receive and hear their appeal against Patrick Mahon and others Report,

[1] These resolutions were also entered in the manuscript Secret Journal, Foreign Affairs. The report, in the writing of James Duane, is in the *Papers of the Continental Congress,* No. 148, II, folio 229.

[2] This memorial, dated September 5, 1781, is in the *Papers of the Continental Congress,* No. 41, IV, folio 422.

That although Congress ought not to relieve in any case relievable by the Court of appeals, yet in instances of peculiar hardship, in which the sufferer has not been in fault, and that Court is incapacitated by strictness of law to interpose, Congress should prevent a defect of Justice;

That the petitioners entered an appeal according to law against the said Mahon and others, in the Court of Admiralty of Pennsylvania, and the necessary stipulations would have been executed in due form and within due time had it not been for the indisposition and death of the Register;

That the time allowed for the execution of these stipulations having elapsed through these means, the petitioners moved the court of appeals to receive stipulations executed after that time, but their motion was overruled; the court being by strictness of law incapacitated to interpose:

*Resolved*, That it be an instruction to the court of appeals, to receive and hear the appeal of the petitioners against the said Patrick Mahon, and others, they entering into the necessary stipulations, on or before the 20th day of this present month September, and giving reasonable notice to the counsel of the said Mahon and others, of this resolution and the execution of such stipulations.[1]

A report of the committee, ||consisting of Mr. Sherman, Mr. Duane, Mr. Clymer,|| to whom was referred a report on the letter of the 12 July, 1780, from John Bradford, was taken into consideration, and, thereupon, it was resolved as follows:

Whereas by a resolution of Congress of the 11th day of May, 1778, the board of war of the State of Massachusetts, was requested with all convenient speed, in the best manner, and for the most money possible, to make sale of a certain snow and her cargo, said to be the property of Messrs. John

[1] This report, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress*, No. 19, III, folio 323.

Ignatius de Oliveria Perceira and Anthony Dios Santos, subjects of the King of Portugal; and to deposit the net proceeds in the public funds of these United States for the benefit of the owners: and whereas the United States have since paid the said owners the value and amount of the said snow and cargo:

*Resolved*, That the superintendant of finance be, and he is hereby authorised and directed, on behalf of the United States, to take order for the settlement of the accounts respecting the said snow and cargo with the said board of war, and receive from them the net proceeds thereof, according to the just value thereof at the time of sale, with interest thereon at the rate of six per cent. per annum, or the loan office certificates taken for the same, if the money was deposited in the funds agreeably to the said resolution.[1]

The report of the committee, ‖consisting of Mr. Sherman, Mr. Duane, Mr. Randolph,‖ to whom were referred the instructions from the assembly of the State of Georgia to the delegates of that State, and their motion thereon relative to Major General R. Howe was taken into consideration; and Thereupon,

The committee to whom was referred instructions from the Assembly of the State of Georgia to the delegates of that State to promote a trial of Major General Howe, and their motion thereon, Report as their opinion:

*Ordered*, That the extracts from the minutes of the general assembly of the State of Georgia, respecting the conduct of Major General Robert Howe, in his command of the troops in the said State, in December, 1778, be transmitted to the Commander in Chief; and that he be directed to cause an enquiry to be made into the matters therein alleged, in such

[1] This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 19, I, folio 409.

manner as he shall judge proper, as soon as circumstances will admit.[1]

The report of the committee of the week on the letter of Resolve Smith and the memorial of J. G. Heron was read.

The Committee of the week report,

That the letter of Mr Resolve Smith be read; and

That the memorial of J. G. Heron lay over untill the final determination of Congress respecting the depreciated pay of the army.[2]

The committee to whom was referred the plan for arranging the treasury office delivered in a report:

*Ordered,* That to Morrow be assigned for the consideration thereof.

Adjourned to 10 o'Clock to Morrow.

[1] This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 19, III, folio 205. A copy of the extracts from the minutes of the Georgia Assembly, dated January 17, 1780, is in the *Washington Papers*, 97, folio 155; the motion of the Georgia delegates, in the writing of George Walton, is in the *Papers of the Continental Congress*, No. 19, III, folio 207, and is as follows:

The Delegates of Georgia informed Congress that they had an instruction from the General Assembly of their State, to promote a trial of Major General Robert Howe for his conduct on the 29 day of December 1778 at Savannah, and for exposing the State to the Ravages of the enemy by crossing the Savannah immediately afterwards with all the troops, which instruction they presented, and is as follows:

[Instruction]

The said Delegates farther represented to Congress that, on account of an unavoidable recess in the Government of that State, occasioned by the loss and removal of the troops, the said Instruction could not have been much earlier given.

In obedience therefore to the orders of their constituents and in pursuance of the resolution of Congress of the —— day of ——— 177–, they moved that General Washington be directed as soon as circumstances will permit to appoint a Court of Inquiry to be held upon the conduct of Major General Robert Howe respecting the premises, and that upon the report of the said Court of Inquiry he discharge the said Major General Robert Howe, or appoint a Court Martial for his Trial.

Whereupon it was resolved accordingly.

[2] This report is in the *Papers of the Continental Congress*, No. 32, folio 237. Smith's letter, dated September 3, 1781, is in No. 78, XXI, folio 113.

## THURSDAY, SEPTEMBER 6, 1781

A letter, of 5, from General Washington at Chester was read, announcing the arrival of the fleet under Count de Grasse in Chesapeak.[1]

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE, *September 5, 1781.*

The Board of Treasury beg leave to inform the United States in Congress assembled, that there are a number of Letters directed to them now laying in the General Post Office, which the Post Master General refuses to deliver, without the Postage is paid in Specie, which will amount to a considerable sum. The Board are not possessed of any Specie to pay the Postage, and the Public Business may be much injured by the Detention of Letters which the Board have Reason to suppose are of great Importance: the following Resolution is therefore submitted:

*Ordered*, That the postmaster general cause to be delivered to the Board of Treasury, all letters directed to the said Board, charging the postage arising thereon to account, which he is to exhibit to the auditors on the settlement of his accounts.[2]

The committee of the week made a report on a memorial of Colonel Udney Hay; Whereupon,

*Resolved*, That the commissioners of Indian affairs for the northern department be and hereby are empowered to adjust and settle the demands of Jellis Fonda on the contract made by him with Colonel Udney Hay, deputy commissary general of purchases for supplies for the friendly Indians who have retreated to the neighborhood of Schenectada for protection, and to make such equitable allowance for the articles for

[1] This letter is in the *Papers of the Continental Congress*, No. 152, X, folio 237.

[2] This report is in the *Papers of the Continental Congress*, No. 136, V, folio 457.

which no prices are ascertained in the contract as they shall think reasonable.[1]

The report of the committee on the regulation of the treasury office was taken into consideration, and after debate:

Adjourned to 10 o'Clock to Morrow.

## FRIDAY, SEPTEMBER 7, 1781

A letter, of 6th, from Colonel J. Laurens, was read:[2]

*Ordered*, That it be referred to the committee on his former letter, of the 2d.

A memorial from the Hon. the Minister Plenipotentiary of France, was read, enclosing a commission of the Sieur Philip Joseph de l'Etombe, consul general of France, in the states of New Hampshire, Massachusetts, Rhode Island ||and Providence Plantations,|| and Connecticut[3]; Whereupon,

*Ordered*, That the said commission be registered; and that the act of recognition be in the following words:

*By the United States in Congress assembled:* It is hereby made known to all whom it may concern, that full credence and respect are to be paid to Philip Joseph de l'Etombe, as consul general of France, for the states of New Hampshire, Massachusetts, Rhode Island and Providence Plantations, and Connecticut, which states are called upon respectively, by virtue of the powers delegated by the Confederation to the United States in Congress assembled, to furnish the

[1] This report is in the *Papers of the Continental Congress*, No. 32, folio 241. Hay's memorial, dated September 3, 1781, is in No. 41, IV, folio 189.

[2] This letter is in the *Papers of the Continental Congress*, No. 165, folio 257. It is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 700.

[3] Luzerne's letter, dated September 7, 1781, is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 702.

said Mr. de l'Etombe with their exequatur or notification of his quality, delivering one copy thereof to the said Mr. de l'Etombe, and causing another to be published in one or more gazettes. Done at Philadelphia, this 7th day of September, in the year of our Lord, one thousand seven hundred and eighty-one, and in the sixth year of our independence.

By the United States in Congress assembled.

T[HOMAS] McK[EAN,] *President,*

Attest:

||CHARLES THOMSON, *Secretary.*||

*Resolved,* That the President inform the supreme executive power of the states aforesaid, that Congress recommend the following form of the exequatur, to wit:

To all whom it may concern: The Sieur Philip Joseph de l'Etombe, having been recognized by the United States in Congress assembled, as consul general of France, in the State (or Commonwealth) aforesaid, it is hereby declared that the privileges, preeminence and authority belonging to such character and quality are due to him.[1]

A letter of Benj Hanson was read:[2]

*Ordered,* That it be referred to the Board of War.

Some farther information being laid before Congress and read, respecting Colonel Haynes:

*Ordered,* That the report of the committee on the information of Mr. Neufville, and motion of Mr. [John] Mathews, respecting Colonel Haines, be re-committed; and that the farther information be referred to the said committee.[3]

A report from the Board of War was read; Whereupon,

[1] This order and resolution were also entered in the manuscript Secret Journal, Foreign Affairs.

[2] This letter, dated September 6, 1781, is in the *Papers of the Continental Congress*, No. 78, XII, folio 175.

[3] See *ante*, August 31, 1781.

*Ordered,* That the Board of War draw a warrant on the paymaster general in favour of Captain Patrick Carnes of Lieutenant Colonel Lee's partizan legion for three months' pay and subsistance in bills of the new emission, for which sum he is to be accountable.[1]

The report of the committee, ||consisting of Mr. Jenifer, Mr. Sharpe, Mr. Clymer,|| to whom was referred the report of the Board of War, was taken into consideration, wherein they state, That there is due to the following persons, mentioned in a memorial from Capt. J. P. Jones, for services on board the *Ariel,* the sums of money to their names respectively annexed, viz.

To William Nicholson, captain of marines, including his pay to the 25 August last, 392 36-90 dollars:

To Louis de la Valette, lieutenant of marines, to do. 289 36-90 dollars:

To Charles Prielay, captain's steward, to 16 May, 101 63-90 dollars:

To Cudreux, captain's cook, to do. 51 22-90 dollars:

That the facts are related in a Memorial of Major Samuel Nicholas of Marines are true, and therefore it is the opinion of this Committee that he is entitled to his pay unto the present time, and also that he be appointed to command the Marines on board the Ship *America,* and directed to repair immediately on that service, and that he be entitled to draw the share of prizes allotted to a Captain of Marines.

[That there appears due to French volunteers, for services on board the said ship *Ariel,* whose names are in a list transmitted by Mr. Holker, in his letter of 14 August, the sum of six hundred and sixty-six dollars and sixteen-ninetieths of a dollar:]

That there is due to Captain Joseph Hardy, of marines, late of the frigate *Confederacy,* being the balance of his account of pay, as stated at the pay-office, to the 3d of

[1] This report is in the *Papers of the Continental Congress,* No. 148, II, folio 233.

August, the sum of three hundred and thirty-seven dollars and sixty-eight ninetieths of a dollar:

*Ordered*, That the paymaster of the Navy Board pay the several sums aforementioned.[1]

*Ordered*, That so much of the report as relates to Major Nicholas be re-committed.

*Ordered*, That so much of Mr. Holker's letter, of 14 August, as relates to apprehending French seamen, be transmitted to the supreme executive council of Pennsylvania.

On motion of Mr. [James Mitchell] Varnum, seconded by Mr. [James] Duane,

*Resolved*, That until an agent of marine shall be appointed by Congress, all the duties, powers and authority assigned to the said agent, be devolved upon and executed by the superintendant of finance:

That as soon as the said superintendant of finance shall take upon him the execution of the duties, powers and authority hereby devolved upon him, the functions and appointments of the Board of Admiralty, the several navy boards, agents, and all civil officers under them, shall cease and determine:

*Resolved*, That the registers, books, and papers, belonging to the admiralty and navy boards, or in their custody, be delivered over to the said superintendant of finance, and preserved by him.

The report of the committee, ||consisting of Mr. Varnum, Mr. Sharpe, Mr. Carroll,|| to whom was referred the report of the Board of War on a letter from the quartermaster general, respecting forage in Westchester, was taken into consideration; Whereupon,

*Resolved*, That Major General Heath, or the commanding officer of the eastern department, cause immediate and

[1] This report, in the writing of Daniel of St. Thomas Jenifer, is in the *Papers of the Continental Congress*, No. 27, folio 143. The paragraph in brackets was added by Congress.

equitable measures to be taken for ascertaining the quantity of forage expended by the allied army under the command of General Washington, in the County of Westchester, in the State of New York, during the present campaign, which hath not been accounted for; and that he direct the deputy quartermaster in that department to give certificates accordingly to the state agent of New York, or any other person or persons authorised to receive the same, ~~the certificates given to the state agent to be credited to the Quota of Specific Supplies demanded of the said State.~~[1]

Adjourned to 10 o'Clock on Monday.

## MONDAY, SEPTEMBER 10, 1781

A letter, of 5th, from Major General Heath at Peakskill, was read, with sundry papers enclosed:

*Ordered,* That the same be referred to the Board of War.

A letter, of 5, from Frederick King to Peter Baynton was read:

*Ordered,* That it be referred to the Committee on the Post Office.

A letter, of 28 August, from the governor of the State of Rhode Island, was read: [2]

*Ordered,* That it be referred to a committee of three:

The members, Mr. [Samuel] Livermore, Mr. [Thomas] Bee, Mr. [Joseph] Jones.

A letter, of 18 August, from George Geddes, was read:

*Ordered,* That it be referred to a committee of three:

The members, Mr. [Edmund] Randolph, Mr. [James Mitchell] Varnum, Mr. [James] Duane.

[1] This report, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress*, No. 19, V, folio 163. See *ante* August 23.

[2] Heath's letter is in the *Papers of the Continental Congress*, No. 157, folio 286; King's is in No. 78, XIII, folio 577; the Rhode Island letter is in No. 64, folio 516.

A letter, of this day, from William Grayson, one of the commissioners of the Board of War, was read, requesting that Congress will now be pleased to accept his resignation as commissioner in the war office.

*Resolved,* That his resignation be accepted.

A letter, of 6, from Colonel John Laurens, was read.[1]

The committee of the week made report; Whereupon,

The Committee of the week report,

That whatever damages may be decreed upon a suit brought in the State of Massachusetts on the bond of John Ravel and Nathaniel Silsbee Master and owner of the privateer *Morning Star* to Michael Hillegas Esquire Continental treasurer for an illegal seizure of the schooner *Hodgson* be appropriated to the use of the owners of the said schooner and be paid over to their order.

That Benjamin Lithman's [Putnam's] letter requesting the interference of Congress in a judicial process depending in France remain on the table.

That Samuel Barrett or Jon[a] Pollard who apply for compensation for their trouble in adjusting the accounts of the expenditures of the Convention Troops in the State of Massachusetts and particularly for receiving a large sum in specie in payment for provisions purchased there be referred for compensation to the said State.[2]

*Ordered,* That a letter, of 22 August, from Perez Morton, be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [Joseph] Jones, Mr. [George] Walton;

That a letter, of August 16, 1781, from Sam[l] Barrett and Jon[a] Pollard be referred to the Board of Treasury.

*Ordered,* That a petition of Benj. Putnam lie on the table.

A letter of Colonel Louis was read:[3]

[1] Grayson's letter is in the *Papers of the Continental Congress*, No. 78, X, folio 365; Laurens's is in No. 165, folio 267.

[2] This report is in the *Papers of the Continental Congress*, No. 32, folio 243.

[3] Morton's letter, in reference to the *Morning Star*, is in the *Papers of the Continental Congress*, No. 19, IV, folio 449; Barrett and Pollard's letter is in No. 78, IV, folio 277; Putnam's petition, dated February 24, 1781, is in No. 42, VI, folios 258 and 260; Louis's letter is in No. 78, XIV, folio 489.

*Ordered*, That it be referred to the Board of War.

The committee of the week was elected:

Mr. [George] Partridge, Mr. [Daniel] Mowry, Mr. [George] Walton.

On motion of Mr. [James Mitchell] Varnum, seconded by Mr. [Roger] Sherman:

*Resolved*, That it be recommended to the State of Rhode Island and Providence Plantations to pay unto Ezekiel Cornell esq[r], a commissioner of the Board of War, five hundred and fifty-seven dollars and sixty-ninetieths of a dollar specie in discharge of a warrant drawn in his favour for that sum bearing date the sixth day of this present month, Sept. 1781, signed by the Board of Treasury and directed to Thomas Smith, commissioner of the continental loan office for the State of Pensylvania and that the said State of Rhode Island charge the same to the United States.

A letter, of 8th, and one of 10th, from the superintendant of finance were read:[1]

*Ordered*, That they be referred to a committee of three:

The members, Mr. [John] Mathews, Mr. [Roger] Sherman, Mr. T[homas] Smith.

A memorial from the Hon. the Minister Plenipotentiary of France was read, enclosing a commission from his Most Christian Majesty, appointing the Sieur ||John|| Holker consul general in the states of New York, New Jersey, Pensylvania, and Delaware:[2]

*Ordered*, That the said commission be registered, and an act of recognition issued thereupon.

[1] The letter of 8th is in the *Papers of the Continental Congress*, No. 137, I, folio 133; that of 10th is on folio 137.

[2] This paragraph and the order following were also entered in the manuscript Secret Journal, Foreign Affairs. Luzerne's letter, dated September 10, 1781, is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 703.

A report from the Board of War was read; Whereupon,

*Ordered,* That the accounts of Captain George Turner, late commissary of prisoners for the southern army, be referred to the Board of Treasury, who are directed to take measures for settling and adjusting the same.[1]

The committee to whom was re-committed the report on the information respecting Colonel I. Haines delivered in a report.

A letter, of this day, from the Board of War was read:[2]

*Ordered,* That it be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [Samuel John] Atlee, Mr. [James] Duane.

The report of the committee on the regulation of the treasury office being reduced into the form of an ordnance was read a first and second time:

*Ordered,* That tomorrow be assigned for the third reading.

The committee, ||consisting of Mr. Varnum, Mr. Atlee, Mr. Duane,|| to whom was referred the letter, of this day, from the Board of War delivered in a report; Whereupon,

*Resolved,* That it be, and hereby is, recommended to the states of New Jersey and Pensylvania, immediately to embody three thousand men each, properly officered and equipped, and cause them to rendezvous at such place or places as the commanding officers shall direct.

The delegates for the State of Massachusetts laid before Congress certain resolutions passed by the general Assembly of that State:

*Ordered,* That they be referred to the superintendant of finance.

Adjourned to 10 o'Clock to Morrow.

[1] This report is in the *Papers of the Continental Congress,* No. 148, II, folio 237.

[2] This letter is in the *Papers of the Continental Congress,* No. 148, I, folio 421.

TUESDAY, SEPTEMBER 11, 1781

A letter, of this day, from J. Moylan, cloathier general; and

One, of the same date, from Doct Oliphant, deputy director, were read:[1]

*Ordered*, That they be referred to the Board of War.

The committee of the week made report; Whereupon,

*Ordered*, That a petition of William Hardy lie on the table;

That a letter of Baron d'Arendt be referred to the Board of War;[2]

That a letter and account of Ann Roberts, as executrix to her late brother, Robert Jewell, be referred to the Board of Treasury.[3]

The Committee on the Post Office, to whom was referred a letter from Frederic King, delivered in a report; Whereupon,

*Resolved*, That Major General Heath be directed to order a proper escort for the safe conveyance of the mail between the post offices at Morristown and Fish Kill.[4]

The ordinance for regulating the treasury, &c. was read a third time, and passed in the following form:

AN ORDINANCE FOR REGULATING THE TREASURY, AND ADJUSTING THE PUBLIC ACCOUNTS.

Be it ordained by the United States in Congress assembled, that from and after the 20th day of September, 1781, the functions and appointments of the commissioners of the treasury, chambers of accounts, auditor general, auditors and extra commissioners of accounts, their assistants, under offi-

[1] Monlan's letter is in the *Papers of the Continental Congress*, No. 78, XVI, folio 231; Olyphant's is in No. 78, XVII, folio 341.

[2] Hardy's petition is in the *Papers of the Continental Congress*, No. 42, III, folio 427; d'Arendt's letter is in No. 78, VII, folio 407.

[3] This report, in the writing of George Partridge, is in the *Papers of the Continental Congress*, No. 32, folio 247.

[4] This report is in the *Papers of the Continental Congress*, No. 61, folio 489.

cers and clerks, shall cease and determine; that for the more effectual execution of the business of the treasury, and the settlement of the public accounts, the following officers shall be appointed in aid of the superintendant of finance, his assistant, ~~accountant~~ secretary and clerks, namely, a comptroller, a treasurer, a register, auditors and clerks. The comptroller shall be appointed by Congress, with general authority to inspect and superintend the settlement of public accounts, and all subordinate officers concerned therein; it shall be his immediate duty to see that the public accounts are expeditiously and properly adjusted, and accurately and safely kept. And, that it may be done with the greater facility, he shall direct a general form in which all the public accounts shall be stated and rendered. He shall take care that the balances of public moneys are punctually deposited in the hands of the treasurer. The comptroller shall commit every account to such clerk for examination, as he shall judge most proper for that purpose, naming also the auditor to whom the clerk shall transmit it. When an account is audited in the manner herein after described, it shall be reported to the comptroller, and any person who shall think himself aggrieved by the judgment of the auditor, shall have a privilege of appealing, within fourteen days, to the comptroller. In all such appeals the comptroller shall openly and publicly hear the parties, and his decision shall be conclusive. The account being finally adjusted, shall be transmitted by the comptroller to the register, to be entered of record; and a note of the balance shall be certified by the comptroller to the superintendant of finance, to make out the proper warrants for payment.

The treasurer shall be appointed by Congress. It shall be his duty to receive and keep all moneys of the United States, and issue them on warrants drawn by the President of Congress, or the superintendant of finance. On receiving money

he shall give a receipt, and on every payment take one, to serve as his voucher. He shall render his accounts quarterly to the comptroller for examination and settlement, and transmit a copy, when audited, to the superintendant.

The register shall be appointed by Congress. He shall keep all the public accounts, both of receipts and expenditures, and every warrant on the treasurer or others shall be entered and countersigned by the register before it shall be paid. He shall have the appointment of the clerk or clerks necessary to assist him in his office.

The auditors, the number of whom shall be fixed by the superintendant of finance, shall be appointed by Congress. After an account shall be examined by the clerk, in the manner herein after directed, it shall be delivered to the auditor, who shall hear the party and the clerk, and determine upon the objections, and being satisfied that the account is properly adjusted, shall pass it as audited, and transmit it to the comptroller.

The clerks, the number of whom shall also be regulated by the superintendant of finance, shall be appointed by the comptroller: it shall be their duty, respectively, to examine all accounts which shall be committed to them by the comptroller, to correct all errors, and to note in writing what may appear exceptionable, either as to the propriety of the charges, or the validity of the vouchers; and transmit the accounts with his remarks, to the auditor; and the party, for himself, and the clerk, on behalf of the public, shall be heard before the auditor.

That the several officers before mentioned, shall respectively take an oath, to be administered by the President of Congress, or one of the judges of the supreme or superior court within any of the United States for the faithful execution of the trust reposed in them respectively.[1]

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 136, V, folio 459.

[The Committee to whom the letter of the 24 instant from the Superintendent of Finance was referred—Report]

*Resolved*, That the salary of the comptroller be eighteen hundred and fifty dollars ~~in specie~~ per annum:

That the salary of the treasurer be fifteen hundred dollars per annum:

That the salary of the register be twelve hundred dollars per annum:

That the salary of each auditor be at the rate of one thousand dollars per annum:

That the salary of each clerk be at the rate of five hundred dollars per annum.

*Resolved*, [That the superintendant of finance be, and hereby is, authorised to appoint a secretary in his office, with a salary of one thousand dollars per annum ~~specie~~.]

*Ordered*, That Friday next be assigned for the election of a Comptroller, Treasurer and Register.[1]

The committee on the letters, of 8 and 10, from the superintendant of finance delivered in a report.

The Committee of Commerce, to whom was referred the petition of Sam[l] Bryan, delivered in a report.

The Committee of Commerce report the following resolution upon the memorial of Samuel Bryan:

That no passport for the importation of salt from any part of the British Dominions be granted, but at the instance of a State, and that a State, the situation of whose trade may render such passport absolutely necessary for the introduction of salt.[2]

Adjourned to 10 o'Clock to Morrow.

[1] This report, in the writing of Thomas McKean, except the portions in brackets, which are in the writing of Thomas Bee, and the last paragraph, which is in Thomson's writing, is in the *Papers of the Continental Congress*, No. 19, IV, folio 325.

[2] This report is in the *Papers of the Continental Congress*, No. 19, I, folio 433. See *post*, September 24. The report, as the indorsement shows, was rendered obsolete by the report on the petition of Thomas Savage.

WEDNESDAY, SEPTEMBER 12, 1781

The committee on the memorial of Thomas Savage;

The committee on the letter, of 22 August, from Perez Morton;

The Committee to whom was referred the letter of Perez Morton beg leave to Report, That Mr Michael Hillegas Esqr be directed to execute the Power of Attorney as requested by Mr Morton, and that the monies finally recovered in the Suit instituted upon the Bond mentioned in said letter be lodged in the Treasury of the United States.[1]

The committee on the memorial from sundry merchants in Boston and petition of sundry inhabitants of Pensylvania; and

The Committee to whom were committed the Memorial of divers Merchants of the State of New York and the Memorial of Divers Merchants of the State of Massachusetts beg leave to report the subject Matter of their Memorials respecting Debts between them and Merchants of Great Britain contracted previous to the present War cannot be decided upon antecedent to a Negociation of Peace wherein the just Rights of the Citizens of the United States will be fully attended to and secured agreable to the Laws of Nations. The Committee beg Liberty farther to Report that whereas the United States in Congress assembled are determined to administer full and equal Justice to all public Creditors, and whereas many of the Citizens of the United States have been greatly injured by the Operation of tender Laws which were originally founded in the best of principles tho' by the Depreciation of the paper Currency enabled many to discharge their contracts by partial tho' nominal Payments: Resolved therefore that it be earnestly recommended to the Legislators of the respective States to enact Laws whereby all Payments made in paper Currency in Pursuance of tender Laws since the first day of September A. D. 1777, in Discharge of Debts contracted prior to the first day of January A. D. 1777, shall be considered as money advanced on ac-

[1] This report, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress*, No. 19, IV, folio 451, indorsed on Morton's letter. The report was referred, as the indorsement shows, on February 1, 1782, to a committee composed of McKean, Boudinot and Livermore.

count and that actions at Law be provided for recovering the Difference between the real sum due and the nominal Payment with Interest and that where such payments have been made in discharge of Mortgages the Difference as aforesiad remain a Lien upon the Estates Mortgaged provided an after sale has not been bona fide made by the Mortgagor or his Heirs and Whereas some Cases may have happened requiring equitable Relief which cannot be reduced to a fixed Principle of Law, It is therefore recommended as aforesaid that Courts of Chancery or Equity be empowered to take cognizance of and decree upon them.

The Committee refer the Memorial of divers Inhabitants of the State of Pennsylvania to the foregoing reports.[1]

The committee appointed to confer with Major Burnet; delivered in their several reports.

The report of the committee ‖consisting of Mr. Mathews, Mr. Sherman, Mr. T. Smith‖ on the letters of 8 and 10 from the superintendent of finance was taken into consideration; Whereupon,

*Resolved*, That the superintendant of finance be, and hereby is, authorised and directed to fit out and employ the ships of war belonging to these United States, in such manner as shall appear to him best calculated to promote the interest of these United States; and that all necessary expences incurred in consequence thereof, be defrayed by the United States.[2]

The report of the committee on the memorial of Thomas Savage was taken into consideration; after debate:

*Ordered*, That it be re-committed.

On motion of Mr. [James] Duane, seconded by Mr. [James Mitchell] Varnum:

*Ordered*, That a committee of three be appointed to confer with the Board of War on the subject of the letter from Colonel Louis, and in conjunction with them to take order:

[1] This report, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress*, No. 20, I, folio 375. On September 29 it was postponed.

[2] This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 19, IV, folio 331.

The members, Mr. [James] Duane, Mr. [Roger] Sherman, Mr. [Thomas] Bee.

The report of the committee appointed to confer with Major Burnet was taken into consideration:

*Ordered,* That it be re-committed and that the committee confer with the Board of War and superintendant of finance on the subject.

A report from the Board of War was read; Whereupon,

WAR OFFICE *September 11th. 1781.*

SIR,

The Board do themselves the honor to enclose to Congress two estimates one for furnishing General Heath's Table the other for General Greene's.

If those estimates should meet the approbation of Congress the Board will order the articles contained in the estimate, purchased and forwarded to General Greene and the money forwarded to General Heath, as the Board are well informed he can procure the articles on better terms than they can at this place and pay the transportation. Should Congress agree to this report it may be proper to resolve,

That the Superintendant of Finance take order for furnishing to the orders of the Board of War, the sum of two hundred and thirty seven pounds to be applied by them agreeable to their report of the 11th Inst.[1]

*Ordered,* That the superintendant of finance take order for furnishing to the Board of War the sum of six hundred and thirty-two dollars to be applied by them agreeably to their report of the 11th instant, and the farther sum of five hundred dollars for the use of Major General Greene.

A memorial of Major General A. St. Clair, and a letter, of 1st, from Brigadier General Stark,[2] were read:

*Ordered,* That they be referred to a committee of three:

The members, Mr. [Richard] Howly, Mr. [William] Sharpe, Mr. [George] Partridge.

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 241.

[2] St. Clair's memorial is in the *Papers of the Continental Congress*, No. 43, folio 247; Stark's letter is in No. 78, XXI, folio 117.

The committee of the week made report; Whereupon,

*Ordered*, That a letter, of 1st, from General Schuyler; and A letter, of 21 August, from Major Galvan, be referred to the Board of War.[1]

The committee, ||consisting of Mr. Clymer, Mr. Lovell, Mr. Sherman,|| to whom was referred the letter from S. Deane, of 15 May, report,

That provision is made for the examination of Mr. Deane's accounts, by the appointment of a vice consul; Whereupon,

*Ordered*, That Mr. Deane be informed of that appointment.

The committee, ||consisting of Mr. Clymer, Mr. Lovell, Mr. Sherman,|| on the letter of 12 April, from Mr. W. Lee, report,

"That upon principles admitted by Congress, in the settlement of an account similar to that transmitted by Mr. Lee, there appears to be due to him a balance of forty-two thousand, one hundred and eighty-nine livres tournois;" Whereupon,

*Ordered*, That the account be referred to the superintendant of finance, to take order for payment of the balance, [with interest at the rate of six per cent. per annum, from this day, as soon as the state of the public finances will admit.][2]

~~A motion was made by Mr. T[homas] Smith, seconded by Mr. [George] Clymer:~~

~~That Major General St. Clair cause the levies of the Pensylvania line now in Pensylvania to rendezvous at Reading;~~

[1] This report, in the writing of George Partridge, is in the *Papers of the Continental Congress*, No. 32, folio 249; Galvan's letter is in No. 78, X, folio 353; Schuyler's is in No. 153, III, folio 573.

[2] This report, in the writing of George Clymer, except the part in brackets, which is in the writing of Thomas McKean, is in the *Papers of the Continental Congress*, No. 19, III, folios 519–521.

~~On which the yeas and nays being required by Mr. [George] Clymer:~~

~~*New Hampshire,*~~
~~Mr. Livermore, ay~~ } *

~~*Massachusetts,*~~
~~Mr. Lovell, no~~
~~Partridge, no~~ } no
~~Osgood, no~~

~~*Rhode Island,*~~
~~Mr. Mowry, no~~
~~Varnum, no~~ } no

~~*Connecticut,*~~
~~Mr. Sherman, no~~ } *

~~*New York,*~~
~~Mr. Duane, ay~~
~~L'Hommedieu, no~~ } div.

~~*New Jersey,*~~
~~Mr. Witherspoon, no~~ } *

~~*Pennsylvania,*~~
~~Mr. Atlee, ay~~
~~Clymer, ay~~ } ay
~~T. Smith, ay~~

~~*Delaware,*~~
~~Mr. McKean, ay~~ } *

~~*Maryland,*~~
~~Mr. Carroll, no~~ } *

~~*Virginia,*~~
~~Mr. Jones, no~~
~~Madison, no~~ } no
~~Randolph, no~~

~~*North Carolina,*~~
~~Mr. Sharpe, no~~ } *

~~*South Carolina,*~~
~~Mr. Mathews, no~~
~~Bee, no~~
~~Motte, no~~ } no
~~Eveleigh, no~~

~~*Georgia,*~~
~~Mr. Walton, no~~
~~Howly, no~~ } no

~~So it passed in the negative.~~

A report from the Board of War on the petition of Thomas Smith and William Stone was read; Whereupon,

WAR OFFICE *September 12th 1781.*

SIR,

The Board have been honored with a reference from Congress of the memorial of Thomas Smith and William Stone. We have no doubt of the representation of the memorialists so far as relates to their being taken into the service of the United States, from which they were discharged on the 3d of November last. As to the payment of the passages of the families of officers in Continental service, the Board are unacquainted therewith farther than that on a reference to two Gentlemen of Philadelphia an allowance was made to the owners of the vessel mentioned in the memorial, beyond what this Board deemed reasonable and probably the passages of some of the

Families of officers might have been taken into consideration by the Referees who were appointed by the Treasury Board and the owners of the vessel, the former acting by authority from Congress given them for the purpose. We have no doubt of the Utility of the memorialists to the United States as well on past occasions as in services now in contemplation. But as the payment of the passages of any Families has not been made by any express authority from Congress, or with the consent of this Board we cannot report in favor of the petition unless the rule was generally adopted. If Congress however are of opinion that an exception can be made on account of the peculiar usefulness of the Petitioners they will be pleased to direct,

That the memorial of Thomas Smith and William Stone be referred to the Treasury Board who are directed to take order for payment of the passages of the Families of the said Thomas Smith and William Stone from Charlestown to Philadelphia.

Probably a less exceptionable way will be to order

*Ordered*, That the sum of one hundred and seventy-six dollars be ~~paid~~ advanced to Thomas Smith and William Stone ~~in consideration of services rendered the United States~~ on account.

But if Congress are of opinion that the Prayer of the Petition cannot be granted they will be pleased to resolve,

That the Prayer of the Petition of Thomas Smith and William Stone who request payment of the passages of their Families from Charlestown to Philadelphia cannot with expediency be complied with under the present circumstances of the Finances of the United States.[1]

Adjourned to 10 o'Clock to Morrow.

## THURSDAY, SEPTEMBER 13, 1781

On motion of Mr. [Roger] Sherman, seconded by Mr. [John] Witherspoon,

*Resolved*, That Thursday, the 13th day of December next, be appointed to be observed as a day of public thanksgiving

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 247.

throughout the United States; and that a committee be appointed to prepare and report a proclamation suitable to the occasion: The members, Mr. [John] Witherspoon, Mr. [Joseph] Montgomery, Mr. [James Mitchell] Varnum, Mr. [Roger] Sherman.

Congress resumed the second reading of the ordinance respecting captures, and some time being spent:

Adjourned to 10 o'Clock to Morrow.

## FRIDAY, SEPTEMBER 14, 1781

A report from the committee of the week was read; Whereupon,

The Committee of the Week report,

That the petition of Stephen M$^{c}$Crea praying for an allowance of Interest on Cash advanced by him for the publick use in Dec$^{r}$ 1776 be referred to the Board of Treasury to take order.

That the petition of Owen Ferris purporting that he is sued for a Debt due from him as a Quarter master and praying for relief be referred to the Board of Treasury.[1]

*Ordered*, That a petition of Stephen McCrea be referred to the Board of Treasury to take order;

That a petition of Owen Ferris be referred to the Board of Treasury.

A report from the Board of Treasury was read; Whereupon,

*Ordered*, That the sum of four thousand nine hundred and one dollars and 41/90 of a dollar in specie certificates payable in one year be advanced to Samuel Miles, quartermaster for Pensylvania, on account of Colonel T. Pickering, quartermaster general, for the payment of a brigade of teams employed in the public service, and for which sum the said quartermaster general is to be accountable.[2]

[1] This report, in the writing of George Partridge, is in the *Papers of the Continental Congress*, No. 32, folio 251.

[2] This report is in the *Papers of the Continental Congress*, No. 136, V, folio 463.

The committee to whom was re-committed the report on the memorial of Thomas Savage delivered in a report.

The Committee to whom was recommitted their report on the foregoing petition report the following resolution viz:

*Resolved*, That the Inhabitants of the Island of Bermuda be permitted freely to import Salt into any of the United States 'till the farther Order of Congress, any former Resolutions or Ordinances to the contrary notwithstanding; And all Commanders of Armed Vessells or others citizens of any of the United States are strictly charged and commanded from and after the fifteenth day of October not to molest any of the said Inhabitants navigating upon the high Seas, loaded with Salt, or utensils for procuring the same, or on their Passage from any of the United States to the said Island, provided that on such return they shall be furnished with a Certificate or Clearance of their Cargoes from the Officer of the Port from whence they last departed.

*Resolved*, That the said Inhabitants be permitted to export in Return for their Salt, Rice, Wheat, Indian Corn, Rye or Barley in Grain.

~~*Resolved*, That in proportion to every hundred Bushels of Salt imported as aforesaid, the said Inhabitants, in addition to the grain aforesaid, be permitted to export two Barrels of Beef, or Pork and two Barrels of Flour over and above the Provisions necessary for their voyage.~~

The committee to whom was recommitted their report upon the petition of Thomas Savage report that in lieu of the last resolution formerly reported be inserted the following proviso and resolve:

*Provided*, That the said Inhabitants be not permitted to export more than Eighty Thousand Bushels of Grain of every kind in the Space of one Year, and in Proportion thereto Monthly; That is to say from the State of New Hampshire Bushels; M[assachusetts], Bushels &c.

*Resolved*, That it shall not be lawful to export Money, or any other Articles in Return for the Salt aforesaid, excepting Grain as aforesaid.

*Resolved*, That the Passports granted to the States of Virginia and Maryland, by a Resolution of the day of so far as the same have not been actually applied, be and the same are hereby recalled.

*Resolved*, That the Quantity of Grain that may be exported by Virtue of any of the Passports aforesaid, be considered as part of the Proportions of said States, mentioned to be exported aforesaid.

*Resolved*, That no Grain shall be exported by Virtue of these Resolutions till Stipulation be made in the Naval or Clearance of the State from whence the same is to be exported, for discharging the same in the said Island, and for appropriating the same for the Sole Use and consumption of the Inhabitants thereof; which Stipulation shall not be cancelled till a Certificate be produced from three reputable Inhabitants of said Islands Friends to the United States, ascertaining a full Compliance with the Conditions aforesaid.[1]

On motion of Mr. [Edmund] Randolph, seconded by Mr. [Roger] Sherman,

*Resolved*, That until the ratification of some convention between his Most Christian Majesty and the United States, concerning vice consular power, every vice consul of his Most Christian Majesty shall, upon the application of the consul appointing him to the supreme executive power of the State to which he may be sent, receive the exequatur, in like form with the exequatur delivered to a consul *mutatis mutandis*, and thereupon, the same proceedings shall be had with respect to publication.[2]

*Ordered*, That the election of a comptroller, treasurer and register be postponed till Tuesday next.

[1] These reports, in the writing of James Mitchell Varnum, are in the *Papers of the Continental Congress*, No. 41, IX, folios 177 and 179. See September 28, when they were rejected.

The following paragraph was submitted. It is in George Walton's hand and is in the *Papers of the Continental Congress*, No. 41, IX, folio 181:

Which said quantities of grain shall extend so far as may be wanting for the support of the inhabitants of the Island aforesaid, and that such vessel or vessels as may be employed in bringing the said salt shall give bond and security, that the said grain be landed in Bermudas and upon a certificate being produced from three gentlemen of reputation, friends to the American cause, to be appointed by the inhabitants, the said bond shall be cancelled.

And the following, which is on folio 183:

*Resolved*, That the grain exported to said Island of Bermuda by virtue of the foregoing resolution in any one year from any one State in the union shall not exceed the amount of thousand bushels.

[2] This resolution was also entered in the manuscript Secret Journal, Foreign Affairs.

The committee on the letter, of 28 August, from the governor of Rhode Island, &c.; and

The committee on the letter, of 23 August, from Major General the Marquis de la Fayette, and a paragraph of a letter, of 14 May, from the hon^ble^ Doct Franklin, delivered in their respective reports.

Congress resumed the second reading of the ordinance respecting captures, and some time being spent thereon:

AN ORDINANCE RELATING TO CAPTURES.

In pursuance of the powers delegated by the Confederation in cases of Capture on Water.

Be it ordained by the United States in Congress assembled, that
№ 1. from and after the first day of November next all reso-
A lutions and ordinances of Congress relating to captures or recaptures on water and coming within the purview of this ordinance shall be null and void: But questions of this nature arising
№ 2. before or which shall be undetermined at that day shall be determined at any time during the War with Great Britain according to them, in the same manner, as if this ordinance had never been made.

It shall be lawful to capture and to obtain condemnation of the property hereinafter enumerated if found below high water mark; that is to say.

I. All ships and other vessels of whatsoever size or denomination belonging to an enemy of the United States, with their rigging, tackle, apparel and furniture.

II. All goods wares and merchandizes belonging to and found on board of a ship or other vessel of such enemy.

~~III. All contraband goods, wares and merchandizes belonging to such Enemy in the ship or other vessel of whatsoever nation found.~~

~~IV. All contraband goods, wares and merchandizes to whatever~~
B ~~nation belonging, altho' found in a neutral bottom, if destined for the use of an Enemy.~~

~~V~~ 3. All ships or other vessels, goods, wares, and merchandizes belonging to any power or the subjects of any power against which letters of marque or reprisal shall have issued.

~~VI~~ 4. All ships or other vessels with their rigging, tackle, apparel and furniture and with their cargoes to whatsoever nation belonging, destined to any port or place invested, besieged or blockaded, by a sufficient force belonging to in the service of or co-operating with the United States, so effectually as that one cannot attempt to enter into such port or place without evident danger.

~~VII.~~ All ships or other vessels, with their rigging, tackle, apparel and furniture, and with their cargoes, found in the possession of pirates.

The goods wares and merchandizes to be adjudged contraband
№ 3. are the following, that is to say, Cannons, Mortars, fire arms, pistols, bombs, granadoes, bullets, balls, fusees, flints, matches, powder, salt-petre, sulphur, cuirasses, pikes, swords,
D belts, pouches, cartouche boxes, saddles and bridles, in any quantity beyond what may be necessary for the ship's provision and may properly appertain to and be judged
№ 4. necessary for every man of the ship's crew or for each passenger.

If it shall manifestly appear that of any entire thing of which division cannot be made without injury to its value a subject of the enemy and a citizen or a subject of a foreign power not being an enemy are joint holders, the whole shall be condemned and sold for gold or silver; the proper proportion of the net proceeds of which shall be deposited in the treasury of the State in which the sale shall be, to be paid to the order of such citizen or the subject of such foreign power.

If such division can be accomplished, but neither the citizen nor the subject of foreign powers nor his agent shall require specific restitution of his property there shall be a sale in the same manner as if the property were indivisible. But if in such case a requisition
№ 5. be made to this effect, the due proportion shall be specifically restored ~~according to the ratio of the number and value of the property~~

Whose property shall have been originally captured on land from a citizen of the United States and shall be recaptured below high water mark by another citizen thereof restitution shall be made to the former owner upon the payment of a reasonable salvage not exceeding one fourth part of the value, no regard being had to the time of possession by the enemy.

In all cases of recapture by an armed vessel fitted out at the
№ 6. expence of the United States of a vessel or other effects belonging to a citizen the Court shall adjudge the proportion which would be due to the United States ~~of such recapture~~ to be remitted to ~~the original owner~~ such citizen; no regard being had to the time of possession by the enemy.

In all other cases of recapture restitution shall be made to the
№ 7. owner upon payment of one third part of the true value for salvage, if the property shall have been retaken in less than twenty four hours after the capture.

But if it shall not have been retaken until the expiration of twenty four hours after the capture restitution shall not be made of any part.

Besides those who are duly authorised to make captures by a
№ 8. special commission, captures of the property of an
E enemy shall be ~~allowed~~ adjudged lawful,

1. when made by a private vessel not having such commission
№ 9. satisfactory proof being produced, that they were made in pursuing the course of her voyage and repelling a previous attack from an enemy.

2. by any body or detachment of regular soldiers.

№ 10. 3. by inhabitants of the Country, if made within cannon shot of the shore.

4. by an armed vessel sailing under a commission of his Most Christian Majesty.

5. by the crews of British vessels, while captures of this sort are licensed by the British.

Recaptures shall be made by no other person than those authorized to make Captures, except the Crews of vessels retaken.

№ 11. The destruction of papers or the possession of double papers by any captured vessel shall be considered as evidence for condemnation unless good cause be shewn to the contrary.

From and after the first day of November which shall be in the year of our Lord one thousand seven hundred and Eighty-one, any letters of passport or safe conduct granted before the twenty seventh day of March last under the Authority of Congress to any person whatsoever for removal of property from a place beyond sea within the Dominions or possessions of the British King shall be void.

Upon the capture of a vessel commissioned as a Man-of-War or privateer, by any of the ~~ships~~ vessels of war of the United States of America, the whole of the property condemned shall be adjudged to the captors to be divided in the following manner, that is to say

№ 12.

* Upon the capture of any other vessel if made by a vessel of war belonging to the United States, one half of the property condemned shall be decreed to the United States, and the other half to the captors to be divided as aforesaid; if by a

№ 13. private vessel not having a Commission the whole shall be decreed to the captors ~~to be divided as aforesaid:~~ if by any body or detachment of ~~regular soldiers~~ regular or other troops in the service of the United States, the whole shall be adjudged to the captors ~~to be divided as aforesaid~~ to be divided ~~according to the~~

№ 14 ~~portions of pay respectively allowed them~~ in proportion to the pay in the line of the army; if by inhabitants of the country being in arms, the whole shall be adjudged to the

№ 15. captors to be divided ~~as aforesaid~~ equally among them, provided that if any such inhabitant shall be wounded in making the capture, he shall be entitled to two shares and if killed his legal representatives shall be entitled to four

№ 16. shares: if by the crews of British vessels, the whole shall be adjudged to the captors ~~(except in those instances in which the capture may belong to an American citizen),~~ to be divided at the discretion of the Court.

On recapture by an armed vessel belonging to the United

№ 17. States of a vessel under the protection of a vessel belonging to the enemy ~~equipped in a warlike manner~~ commissioned as a man-of-war or privateer, or where the vessel retaken

is equipped in a warlike manner, the proportion to be

№ 18. withdrawn from the original owners shall be divided as in the case of a capture of an enemy's vessel ~~equipped in a warlike manner~~ commissioned as a man-of-war or privateer.

№ 19. On recapture by an armed vessel belonging to the United States of a vessel under the protection of an hostile vessel not ~~equipped in a warlike manner~~ commissioned as a man-of-

№ 20. war or privateer; and where the vessel retaken is not equipped in a war-like manner the proportion to be

withdrawn from the original owner shall be divided as in the case of an hostile vessel not ~~equipped in a warlike manner~~ commissioned as a man-of-war or privateer.

Nº 5.

The rules of decision in the several courts shall be the resolutions and ordinances of the United States in Congress assembled, public treaties, when declared to be so by an act of Congress, and the law of Nations, according to the general usages of Europe. Public treaties shall have the preeminence in all trials.

This ordinance shall commence in force on the first day of ~~November~~ next

Done &c.[1]

## Adjourned to 10 o'Clock on Monday.

[1] This report, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 59, III, folio 273. The following paper, in the writing of James Madison, indicates the amendments which were made at his suggestion. It is on folios 280½, 295, and 280:

Nº 1. After Captures—or recaptures.

Nº 2. After "before" insert, "or which shall be undetermined at."

Nº 3. After rule VII. insert—The goods, wares, and Merchandizes belonging to an Enemy (contraband goods and goods destined to a blockaded or besieged port being always excepted) found in a vessel, belonging to a foreign nation other than an enemy, shall in no case be subject to condemnation.

Nº 4. Add to the list of contraband, cables, large ropes, Masts &c: or substitute the list in the Treaty between U. S. and France.

Nº 5. Strike out the words after restored to the end of paragraph. After value—no regard being had to the time of possession by the Enemy and

Nº 6. Strike out the paragraph and substitute the following: "In all cases of recapture by an armed vessel fitted out at the expense of the U. S. of a vessel or other effects belonging to a citizen the Court shall adjudge the proportion which would be due to the U. S. to be remitted to such citizen; no regard being had to the time of possession by the enemy.

Nº 7. See papers [here the paper is torn off] time of possession by the Enemy.

Nº 8. Strike out allowed and insert "Adjudged lawful."

Nº 9. Between made and in insert "in pursuing the course of her voyage."

Nº 10. Cannon shot of shore.

Nº 11. Alter so as to read thus: The destruction of papers unless good cause be shewn therefor, or the possession of double papers by a captured vessel, shall be considered as evidence for condemnation.

Nº 12. See paper Nº 12.

* After half add: "of the property condemned."

Nº 13. Strike out "to be divided as aforesaid."

Nº 14. Strike out as aforesaid and insert: "According to the proportions of pay respectively allowed them."

## MONDAY, SEPTEMBER 17, 1781

Mr. [Edward] Telfair, a delegate for Georgia, attended and took his place.

FOOTNOTE—Continued.

Nº 15. Strike out as aforesaid and insert: "equally among them, provided that if any such inhabitant shall be wounded in making the capture he shall be entitled to two shares, and if killed his legal representative shall be intitled to 4 shares."

Nº 16. Strike out the parenthesis.

Nº 17. Between recapture and of insert by an armed vessel belonging to U. S.

Nº 18. Strike out the word "so" and after equipped add "in a warlike manner."

Nº 19. Between recapture and of insert, by ~~a vessel of war~~ an armed vessel belonging to U. S.

Nº 20. Strike out "so" and after equipped add in a warlike manner.

Paper No. 12 referred to is also in Madison's writing and is on folio 281. It is as follows:

Nº 12. To the Commander in Chief of the Navy of the United States shall be allotted 1/20 part of all prizes taken by an armed vessel or vessels under his orders and command: when there shall be no such commander in chief the 1/20 part allotted to him shall be paid into the Treasury of the United States. To the Captain of any single armed vessel 2/20 parts, but if more ships or vessels be in company when a prize is taken then the 2/20 parts shall be divided equally among all the Captains.

To the Captains of Marines, Lieutenants and Masters 3/20 parts of all prizes taken when they are in company, to be divided equally among them:

To the Lieutenants of Marines, Surgeons, Chaplains, pursers, boatswains, gunners, carpenters, masters mates and the secretary of the fleet 2/20 parts and one half of 1/20 part to be divided equally among them:

To the following petty warrant officers, viz: Midshipmen, (allowing for each ship six, for each Brig four and for each sloop two) Captains Clerks, Surgeons Mates, Stewards, Sail Makers, Coopers, Armourers, (allowing for each vessel one of each only) boatswains mates, Gunners Mates, Carpenters Mates, (allowing for each vessel two of each) Cooks, Cockswains (allowing for each vessel one of each) Serjeants of Marines (allowing 2 for each ship and 1 for each brig and sloop) 3/20 parts to be divided equally among them. And when a prize is taken by any vessel on board or in company of which the Commander in Chief is, then the Commander in Chief's Cook or Cockswain shall be added to the said petty warrant officers, and share equally with them:

The remaining 8/20 parts and 1/2 of 1/20 part shall be divided among the rest of the vessels company or companies, as it may happen, share and share alike.

No officer nor man shall have any share but such as are actually on board their several vessels when any prize or prizes shall be taken, excepting only such as may have been ordered on board any other prizes before taken or sent away by his or their commanding officers:

The following paper, in the writing of James Lovell, has reference to the report as indicated by the marginal letters. It is on folio 293.

REMARKS ON THE PROPOSED ORDINANCE OF CONGRESS RELATING TO CAPTURES

A. Not sufficiently clear in the expression should be thus "Nevertheless all captures and recaptures which shall have been made and all admiralty suits and causes which

A letter, of 6, from the governor of Massachusetts, was read:

*Ordered*, That it be referred to the superintendant of finance.

FOOTNOTE—Continued.

shall have been instituted before the said —— day of ——— shall be conducted adjudged and determined upon in same manner as if this ordinance had not been made."

B. If destined for the use of an Enemy—Quere—how shall this be ascertained?

C. This article being very important I beg leave to observe upon it; that an enemy may by virtue thereof cover the whole of their property upon the seas, unless the Law could point out such Substantial Proofs of the property of the Ship as cannot easily be counterfeited or procured for the purpose of deception—as for instance, that every Ship said to be neutral shall produce her Register with the official seal of the neutral nation; or if transfers have been made those transfers certified and authenticated by the like official seal—otherwise she shall not be deemed a neutral Bottom so as to protect enemies goods on board. At any rate I think the word *Capture* in this clause C. should be omitted, as captains of Privateers cannot judge at sea of the propriety of the Capture in nice cases. If they take without any Colour of Law, they are subject to pay costs, Damages and other penalties; but if the case should be a doubtful one they ought to take and let the Court determine, whether Prize or not. This prohibition may perhaps be construed to subject them to damages in all cases of acquittal, however doubtful the case may be.

D. Quere—Should not cables, large ropes, masts &c. necessary for a Fleet be included?

E. After the Words "shall be allowed" add—and adjudged agreeably to the Laws of this ordinance. Quere—as to non-commissioned vessels: Regular soldiers or ~~citizens~~ inhabitants cannot take unless the property be driven on the shore or very near it. All other parts of the ordinance restrict the jurisdiction to the limits of low water mark, *within cannon shot of the shore.* Is it intended that the Prize shall be taken by Cannon shot from the shore; or that the inhabitants may go out in Boats and take prizes in that distance without commission. The distance had better be ascertained by miles.

~~F. Should be thus—~~

~~Any Captured vessel having double papers or clearances shall be subject to condemnation.~~

The following, in James Madison's writing is on folio 283:

EFFECTS SUBJECT TO CAPTURE AND CONDEMNATION

I. All ships and other vessels of whatever size or denomination belonging to any Enemy of the U. S. with their rigging, apparel and furniture:

II. All goods, wares and merchandizes, *belonging to*, and found on board a ship or vessel of such Enemy:

Qu: as to this

III. All contraband goods, wares, and merchandizes belonging to such Enemy, in whosesoever ship or vessel found *and whithersoever destined:*

A letter, of 14 July, and one, of 20th of the same month, from S. Parsons at Martineque, were read:

*Ordered*, That they be referred to the committee on the letter, of 18 August, from G. Geddes.

FOOTNOTE—Continued.

IV. All goods, wares, and merchandizes found in a hostile bottom, to whomsoever belonging, and whithersoever destined:

V. All contraband, goods, wares, and merchandizes to whomsoever belonging, destined ~~to any port or place~~ for the use or operations within the dominion or possession, [or to a fleet at sea or elsewhere] of such enemy:

VI. All vessels, goods, wares and merchandizes, taken by virtue of letters of marque or reprisal:

VII. All vessels with their cargoes, to whomsoever belonging, destined to any port or place, blocked up by vessels of war belonging to, in the service of or co-operating with the U. States: (insert besieged and shut up by batteries.)

VIII. All vessels with their cargoes in the possession of Pirates or Robbers on the high seas—if they be not claimed within a year and a day—if claimed within that time, to be restored reserving 1/3 for salvage to the captor (Salvage to be discretionary).

The following Captures shall not be lawful, viz:

I. Of vessels belonging to a foreign nation ~~not associated in the war with the Enemy~~ other than an enemy although laden with articles belonging to the Enemy; vessels bound to a blockaded place being always excepted:

II. Of property belonging to an Enemy found in bottoms belonging to such foreign nation: Contraband articles being always excepted:

III. Of vessels or other property to whomsoever belonging, under protection of such foreign power.

No Prince nor State, nor subject of either, shall be adjudged an Enemy, until some act of the United States in Congress assembled shall be made declaratory thereof. ~~But if a hostile attack be made prior to such declaratory act by any armed vessels belonging to such Prince or State or the subjects thereof, being authorised for that purpose, or any vessel belonging to the U. S. or their citizens in such case the capture of the vessel so attacking, shall be adjudged lawful.~~

The goods, wares and merchandizes to be adjudged contraband are the following to wit:

~~Such port or place only is to be considered as blocked up, into which no vessel can enter without evident danger, on account of vessels of war stationed there, or land batteries.~~

The following, in James Mitchell Varnum's writing, is on folio 279. It was not incorporated in the ordinance:

If such goods, wares and Merchandize should be water borne in any neutral or other vessel, navigating northward of the Latitude and evidently destined to any port within the United States, the same shall be liable to Capture and condemnation; provided, however, that upon proofs being made that such goods, wares and Merchandize shall be free, if proof be made of their having been previously captured by an Enemy at War with Great Britain, and legally condemned.

See under December 4.

A letter, of this day, from the president of the supreme executive Council of Pensylvania was read, with an enclosed extract of a letter, of 14, from the governor of New Jersey:[1]

*Ordered*, That the same be referred to a committee of three, who are instructed to confer with the supreme executive council of Pensylvania on the subject:

The members, Mr. [Elias] Boudinot, Mr. [Samuel John] Atlee, Mr. [James Mitchell] Varnum.

The committee of the week was elected:

The members, Mr. [Edward] Telfair, Mr. [Elias] Boudinot, Mr. [Joseph] Montgomery.

*Ordered*, That Mr. [Edward] Telfair be added to the committee on the petition of O. Bowen and petition of Roux & Co$^{y}$

The report of the committee, ||consisting of Mr. Livermore, Mr. Jones, Mr. Mathews,|| on the letter of 28 August, from the governor of Rhode Island, &c. was taken into consideration; and Thereupon,

*Resolved*, That it be recommended to the executive power of the State of Rhode Island, &c., to settle and pay the reasonable rents not already paid, of such store-houses as have been used by order of the commanders of the French fleet and army in that State, and charge the same to the United States.[2]

The delegate for New Hampshire laid before Congress a vote of the general Assembly of that State:

*Ordered*, That it be referred to the superintendant of Finance.

A letter, of 17 August, two of 25 and one of 26 of the same month, from Major General Greene, were read, with sundry papers enclosed:[3]

[1] This letter is in the *Papers of the Continental Congress*, No. 69, II, folio 393.

[2] This report, in the writing of Samuel Livermore, is in the *Papers of the Continental Congress*, No. 20, I, folio 207.

[3] The letter of August 17 is in the *Papers of the Continental Congress*, No. 155, II, folio 231; one of August 25 is on folio 239; the other of August 25 is on folio 247; that of August 26 is on folio 251.

*Ordered*, That the letter, of 25th, be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [Samuel] Livermore, Mr. [Samuel John] Atlee.

*Ordered*, That a letter, of this day, from the lieutenant governor and sundry members of the council of South Carolina to the delegates of the said State be referred to the same committee.

*Ordered*, That the letter, of 25, with the papers enclosed, be referred to a committee of three:

The members, Mr. [Elias] Boudinot, Mr. [James] Madison, Mr. [Thomas] Bee.

A letter, of 2d, from the governor of Virginia; and

One, of 12th, from General Washington, were read.[1]

The committee to whom were referred the memorials of Major General St. Clair and Brigadier General Stark, delivered in a report.

The second reading of the ordinance respecting captures was again resumed, and after debate:

Adjourned to 10 o'Clock to Morrow.

## TUESDAY, SEPTEMBER 18, 1781

The report of the committee of the week was read; Whereupon,

The Committee of the Week report,

That the petition of Dan[l] Simon an Indian ~~preacher~~ Minister of the Gospel praying that the salary which he formerly received from England may be made good to him, and that he may be employed in publick service, be referred to a special Committee.

That the petition of Capt. James Lees praying that the money advanced by him for enlisting ~~men~~ soldiers [may be paid] be referred to the Board of War.

[1] The Virginia letter is in the *Papers of the Continental Congress*, No. 71, II, folio 125. Washington's letter is in No. 152, X, folio 245.

That the petition of Celerin Brossard praying that his pay and depreciation may be paid to him be referred to the Board of War.

That the petition of Jn° Patton praying that the money due to him for military stores may be paid be read in Congress.

That the petition of Æneas Boisée praying for pay, Clothing and Depreciation be referred to the Board of War.

That the petition of Louis De La Valette a marine officer praying for his pay be referred to the Superintendant of Finance.[1]

*Ordered,* That a petition of the Rev. Daniel Simon be referred to a committee of three:[2]

The members, Mr. [Roger] Sherman, Mr. [Joseph] Montgomery, Mr. [Daniel] Mowry;

That a memorial of James Lees, and one from Celerin Brossard, and a petition of Æneas Boisée be referred to the Board of War.[3]

A petition of John Patton was read:

*Ordered,* That it be referred to the Board of Treasury.

A petition of Louis de la Vallette was read:

*Ordered,* That it be referred to the superintendant of finance.

A memorial of Benj Waller was read; Whereupon,

*Resolved,* That the particular circumstances of the public funds render it impracticable for Congress to comply with the prayer of the memorial.[4]

A report of the Board of War was read; Whereupon,

*Resolved,* That the Board of War be authorised to draw warrants on the paymaster general in favour of Captain La

[1] This report, in the writing of George Partridge, is in the *Papers of the Continental Congress*, No. 32, folio 253.

[2] This petition is in the *Papers of the Continental Congress*, No. 42, VII, folio 121.

[3] Lees's memorial, dated September 12, 1781, is in the *Papers of the Continental Congress*, No. 41, V, folio 238; Brossard's petition, dated September, 1781, is in No. 41, I, folio 365; Boisée's, dated September, 1781, is in No. 42, I, folio 262.

[4] This report, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 41, X, folio 578, Waller's memorial, dated September 16, 1781, being on folio 580.

Belcour and Lieutenant Decanture [Decoutures] of Colonel Armand's legion for six months' pay in bills of the new emissions, for which they are to be accountable.[1]

Another report of the Board of War was read, respecting the general hospital:

*Ordered,* That it be taken into consideration to Morrow.

The committee ||consisting of Mr. Varnum, Mr. Livermore, Mr. Atlee|| to whom was referred the letter, of 25 August, from Major General Greene, and the letter, of 17, from the lieutenant governor, &c., of South Carolina, delivered in a report; Whereupon,

Congress passed the following resolutions:

The United States in Congress assembled, viewing with abhorrence the barbarous and unexampled conduct of the British commanders in the late murderous and wanton execution of Colonel Hayne, a citizen of the State of South Carolina, and being impressed with the necessity of putting a stop to such violations of the laws of nations and arms:

*Resolved,* That the conduct of Major General Greene, in taking necessary measures for retaliation, be, and hereby is approved.

*Resolved,* That Major General Greene be, and hereby is authorised to take the most prudential measures in reforming and completing the corps of South Carolina and Georgia state troops.[2]

~~*Resolved*, That an attested copy of the deposition of Isaac Neufville and of the papers confided to Mrs. Edwards by Colonel Hayne the evening before his execution, and of her deposition, be transmitted to Major General Greene;~~

[1] This report is in the *Papers of the Continental Congress,* No. 148, II, folio 251.

[2] This report, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress,* No. 19, II, folio 469.

~~That he make full inquiry into the circumstances of the case and that if it shall appear that such execution was contrary to the laws of war he cause retaliation upon the principles of those laws in a manner most likely to restrain the enemy from future similar acts of cruelty.~~

The report from the committee, ||consisting of Mr. Randolph, Mr. Duane, Mr. Varnum,|| to whom were referred several motions on the subject of retaliation, together with two letters, one from Major General the Marquis de la Fayette, and the other from the hon. Dr. Franklin, minister plenipotentiary of the United States at the Court of Versailles, was taken into consideration; and,

It appearing from the depositions of Humphry Mechambor, Ranson Savage, Thomas Wood, Jesse Farrar, and Thomas Duffey, that the enemy are in the daily practice of forcing such Americans as have been captivated into their own sea-service by the most pointed cruelties: it also appearing from the letter of the minister plenipotentiary of these United States at the Court of Versailles, that American prisoners in Great Britain are increasing in number by the transportation of them thither from New York, and the refusal of the British admiralty to exchange Americans for any British prisoners not taken by American armed vessels: and it farther appearing, that no regular cartel hath hitherto been established:

The foregoing facts being taken into consideration, and it being farther recollected, that besides these proofs of British inhumanity, the files of Congress abound with instances, in which American citizens have been sacrificed in noisome dungeons, for their inflexible patriotism in refusing to assume arms against their country:

~~That a British Minister when a friend to humanity in the British House of Commons proclaimed the sufferings of the American, and~~

~~contrasted their condition with the more moderate treatment of French Prisoners replied with an insolent distinction between prisoners of war and rebels:~~

*Resolved*, That the Board of War be, and are hereby directed to set apart five hundred British prisoners, including a due proportion of officers, to whom exchange shall be denied, until the American prisoners now in Great Britain, be returned to these states by exchange or otherwise:

That the Board of War report a plan and an estimate of the expence for erecting Symsbury mines, in the State of Connecticut, into a state prison for the reception of ~~such~~ British prisoners ~~as shall from time to time be confined as subjects of retaliation~~ of war, and for the purpose of retaliation.[1]

*Ordered*, That the order of the day for electing officers in the treasury department be postponed till to Morrow.

Adjourned to 10 o'Clock to Morrow.

## WEDNESDAY, SEPTEMBER 19, 1781

A letter, of this day, from Mr. [Richard] Howly, one of the delegates for Georgia, was read;[2] Whereupon,

*Resolved*, That five hundred and fifty dollars be advanced to Mr. R[ichard] Howly to enable him to proceed to Georgia, and that the said sum be charged to the said State of Georgia.

On motion of Mr. [Elias] Boudinot, seconded by Mr. [James] Duane,

*Ordered*, That Major General St. Clair cause the levies of the Pensylvania line, now in Pensylvania, to rendezvous at or near Philadelphia, with all possible expedition.

[1] This report, in the writing of Edmund Randolph, except that the last paragraph has amendments in the writing of Thomas McKean, is in the *Papers of the Continental Congress*, No. 19, II, folio 237.

[2] This letter is in the *Papers of the Continental Congress*, No. 73, folio 283.

*Ordered*, That the intelligence this day received respecting the movements of the enemy at New York, be transmitted to Major General Heath.

*Resolved*, That the State of Delaware be requested immediately to hold the whole of the militia of that State in readiness, and that one-half of them may be forthwith ordered into the field, as the movements of the enemy at New York indicate an attack in that quarter.

That the Board of War take order for the security of the prisoners, the public stores, papers and other public property in the City of Philadelphia and States of Pensylvania and New Jersey, in such manner as the movements of the enemy may make necessary.

A letter, of 15, from Major General Heath was read.[1]

A memorial from the hon^ble^ the Minister of France was read:

> The Minister Plenipotentiary of France, in a memorial dated the 18th, informs Congress, "that he has received despatches from his Court, containing important details touching the communications that have taken place between the belligerent powers and the mediators"; and desires "that Congress would be pleased to appoint a committee to whom he may impart them, and with whom he may confer on the present situation of affairs. That he has also received orders from his Court, relative to the advances made on account of the thirteen United States, and respecting their finances, which he will have the honour to communicate to Congress through the medium of a committee"; Whereupon,[2]

*Ordered*, That it be referred to the committee to whom was referred the letter from his Most Christian Majesty:

[1] This letter is in the *Papers of the Continental Congress*, No. 157, folio 290.

[2] This paragraph was entered only in the manuscript Secret Journal, Foreign Affairs. The orders following were entered both in the Public and the Secret Journal.

Luzerne's memorial is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 715.

*Ordered,* That two members be added to the committee, and that the committee confer with the Minister Plenipotentiary of France and receive the communications he has to make:

The members added, Mr. [Elias] Boudinot, Mr. [Roger] Sherman.

A letter, of 19, from Colonel Armand was read:[1]

*Ordered,* That it be referred to the Board of War.

Congress proceeded to the election of officers in the treasury office; and the ballots being taken, Michael Hillegas was elected treasurer, having been previously nominated by Mr. [Roger] Sherman; and Mr. Joseph Nourse was elected register, having been also nominated by Mr. [Roger] Sherman.

On motion of Mr. [Elias] Boudinot, seconded by Mr. [James] Duane:

*Ordered,* That a committee of three be appointed to inspect the state of the accounts in the treasury office now under settlement and report the progress made therein:

The members, Mr. [Samuel] Osgood, Mr. [Ezra] L'Hommedieu, Mr. [Roger] Sherman.

The committee on the letter, of 16 August, from General Moultrie; and

The committee on the letter, of 18th, from the Rev$^{d}$ D. Simon, delivered in their several reports.

Adjourned to 10 o'Clock to Morrow.

## THURSDAY, SEPTEMBER 20, 1781

A letter, of this day, from the Board of War, was read:[2]

*Ordered,* That the Board of War confer with the executive of the State of Pensylvania on the subject of their letter of this day, and request their aid in the matter.

[1] This letter is in the *Papers of the Continental Congress*, No. 164, folio 454.

[2] This letter is in the *Papers of the Continental Congress*, No. 148, II, folio 255.

The report of the committee on the memorial of the Rev^d^ Daniel Simon was taken into consideration; and Thereupon,

The Committee to whom was referred the Memorial of Daniel Simon, Report,

That the Memorialist appears to be a well disposed person, and has for several years past been employed as a School Master and Preacher among the Indians, who are now driven from their settlements by the enemies of the United States, that he may still be usefully employed as an Instructor to them, but that it will not be expedient to employ him in a Military character, or support him at the expence of the United States.[1]

*Ordered,* That the memorialist be informed, that although Congress entertain a good opinion of him, they do not find it expedient to employ him in a military character or to support him at the expence of the United States.

A letter, of 15 May, from Jon^n^ Williams;[2] and

One, of 11 July, from John Bonfield; were read.

A motion was made by Mr. [John] Mathews, seconded by Mr. [James Mitchell] Varnum:

Whereas the horrid and unprovoked acts of cruelty lately committed by the British Commanders in America, by burning defenceless towns, and most inhumanly butchering the inhabitants, contrary to all laws divine and human, which said acts of Barbarity call loudly for just retaliation;

*Therefore resolved,* and it is hereby declared to be the firm and unalterable determination of Congress, that should any such further acts of inhumanity be perpetrated by the British armies, within these United States, or other persons employed by them. Orders will be immediately given to the officers commanding our troops to put to death all persons found in arms against these United [States] without discrimination.

And we do further declare, that we shall conceive ourselves to be fully justified by the laws of self defence and sound policy, to employ

[1] This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress,* No. 19, V, folio 335.

[2] This letter is in the *Papers of the Continental Congress,* No. 78, XXIV, folio 307.

persons to reduce to ashes the towns of Great Britain, as a just retaliation for the wanton acts of cruelty committed by the enemy, and a duty we owe our constituents.[1]

*Ordered,* That the same, together with a copy of Governor Trumbull's letter of to the Commander in Chief, giving an account of the burning of New London, and that part of General Greene's letter relative to the burning of Georgetown by the enemy, be referred to a committee of three:[2]

The members, Mr. [Elias] Boudinot, Mr. [James Mitchell] Varnum, Mr. [John] Mathews.

On motion of Mr. [William] Sharpe,

*Resolved,* That the governor and council of the State of North Carolina be desired to erect a monument, at the expence of the United States, not exceeding the value of five hundred dollars, to the memory of the late Brigadier General Davidson, who commanded the militia of the district of Salisbury, in the State of North Carolina, and was killed on the first day of February last, fighting gallantly in the defence of the liberty and independence of these states.

On motion of Mr. [George] Walton, seconded by Mr. [Edward] Telfair,

*Resolved,* That the legislature of the State of Georgia be desired to erect a monument, at Sunsbury, in the said State, at the expence of the United States, not exceeding five hundred dollars, to the memory of the late Brigadier General

[1] This motion, in the writing of John Mathews, is in the *Papers of the Continental Congress,* No. 20, I, folio 277.

The following motion, without date, in the writing of Theodorick Bland, except the portion in brackets, which is in that of Thomas McKean, is on folio 280:

Whereas, &c. The War and Marine Departments ~~all officers naval and military acting under the orders and commission of Congress~~ [the Commander in Chief of the Armies of the U. S. of America and the commanding officers of separate departments] are hereby strictly charged and commanded to do their utmost fully to retaliate on the ~~British~~ Enemy for all acts of cruelty and devastation committed by them or their commanders, ~~officers &c.~~ against the citizens or towns of these U. States contrary to the laws of war amongst civilized nations.

[2] Trumbull's letter to Washington, dated September 13, 1781, is in the *Washington Papers,* 52, folio 125; a copy is in the *Papers of the Continental Congress,* No. 20, I, folio 281.

Screven, who fell, covered with wounds, fighting for the liberties of the United States.

The report of the Board of War respecting the hospital department was taken into consideration; and Thereupon,

AT A BOARD OF WAR *September 17th 1781.*

Present Mr Peters
Mr Cornell

The Board do themselves the honor to report to Congress on the medical department, and beg leave to observe that they have taken every measure in their power to procure the necessary information to enable them to do justice to the United States as well as individuals.

First. For settling the line of promotions in the medical staff they have obtained a plan fixed by a Board of General Officers under the orders of the Commander in Chief with his approbation, Copies of which N° 1. and 2 are enclosed, the plan they beg leave to recommend to be established by Congress as reported by the General Officers for a rule of promotion in the medical staff in future.

Secondly. In consequence of General Greene's Request for assistance in the Medical Department, they have consulted the Commander in Chief on the propriety of filling up the vacancies under the Director General and requesting him to send the necessary assistance to the Southern Army. He was not able to determine the question, but on his arrival at the head of Elk he obtained Dr Craik's opinion on that subject which is contained in the enclosed paper N° 3, but as it appears from the tenor of Dr Cochran's letter to the Board (an extract of which is enclosed in N° 4.) that he entertains different sentiments, the Board take the liberty to recommend to Congress that appointments be made agreeable to Dr Cochran's recommendation contained in the enclosed paper N° 5. to serve with the main army and its dependencies. And those contained in Doctor Oliphant's recommendation contained in the enclosed paper N° 6, to be appointed for the Southern Army under the Command of General Greene.

The Board are the more induced to recommend the appointment of those Gentlemen to the Southward as it appears to them absolutely necessary they should be with the army immediately and could they possibly be spared from this quarter a considerable sum of money must be advanced to defray their travelling Expences which it is to be feared would cause a considerable delay.[1]

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 259.

*Resolved,* That the present vacancies of hospital physicians and surgeons be filled up by the senior surgeons of the hospital lately deranged, the eldest hospital mates or regimental surgeons, as shall be recommended by the director and chief physician and surgeon to the army:

That all future vacancies of hospital physicians and surgeons be filled by the eldest regimental surgeons and hospital mates, who shall be reckoned of equal grades, who shall upon examination be found qualified and obtain a certificate of recommendation from the director and chief physician and surgeon of the army, or of the deputy-director and chief physician in a seperate department:

That the persons requisite to fill the higher grades in the hospital and medical departments, be appointed, from time to time, by Congress, according to merit and abilities:

~~That the states shall nominate regimental surgeons to the regiments of their respective lines, who shall be examined by the director and chief physician and surgeon to the army and one of the chief hospital physician or of the deputy director and of the chief Physician in a separate department, and upon their certificate of approbation shall receive the appointment.~~

That all surgeons to regiments or corps not belonging to the line of any particular State, be nominated by the director of the hospitals, and the chief physician and surgeon of the army, subject to the approbation of the Commander in Chief, and shall be equally entitled to promotion to hospital physicians and surgeons with the regimental surgeons of state lines.[1]

On recommendation of the director approved by the Board of War:

*Resolved,* That Dr. Joseph Young, a deranged senior surgeon, and doctors Goodwin Wilson, Daniel Jenifer, Samuel

[1] A copy of this report of the Board of General Officers, referred to, in the Board of War report, as No. 2, is in the *Papers of the Continental Congress,* No. 148, II, folio 269.

Edmondson and George Campbell, eldest surgeon's-mates, be promoted to the rank of hospital physicians and surgeons, to fill the vacancies occasioned by the resignations of doctors Bloomfield, Scott, Hagan and Jackson, and the promotion of Dr. Burnet.

On the recommendation of the deputy director, approved by the Board of War:

*Resolved*, That doctors Thomas Tudor Tucker, and Vickars, be appointed physicians and surgeons in the hospital for the southern department:

That Daniel Smith be appointed assistant deputy purveyor, and John Carne assistant deputy apothecary, in the southern department.[1]

A report of the committee of the week was read; Whereupon,

*Ordered*, That a memorial of William Plumb be referred to the Board of War.[2]

The committee to whom was referred the letter, of 26 July, from John Wereat, delivered in a report.

The Committee to whom was referred the letter of John Wereat Esq. continental agent for the state of Georgia, Report that in the month of April in the year 1778 three British vessels were captured in a certain harbour in said State of Georgia by the Continental gallies and troops under the command of Colonels Elbert and White and that said prizes were libelled and condemned at the suit and under the agency of the said John Wereat Esq. who was ordered to sell the same and distribute the money arising by the sale according to the resolutions of Congress in such cases made and provided; that on the 19th. Day of May 1778 being the day appointed for the sale of said prizes the said Colonels Elbert and White and Richard Howly

[1] A copy of the recommendation of the director (John Cochran) dated June 4, 1781, is in the *Papers of the Continental Congress*, No. 148, II, folio 273; a copy of the recommendation of the deputy director (David Olyphant) is on folio 263.

[2] This memorial, dated September 18, 1781, is in the *Papers of the Continental Congress*, No. 41, VIII, folio 152.

Esq. appeared and ~~wholly obstructed~~ forbid the sale which was accordingly stopped, alledging that the captors had appointed agents who had a right to act, and that Mr Wereat had no right to act for them without their consent. And afterwards (as is alledged by said Richard Howly Esq.) prevailed with the court of said state of Georgia to alter their decree in part viz. so far as to make the money arising by said sale payable to said Colonel Elbert and Joseph Clay, being agents for the captors, and not to the aforesaid continental agent. Complaint of this was made by said John Wereat Esq. and Congress on the 29th day of July 1778, referred the whole dispute to the Governor and Council of said state of Georgia, to enquire into the same and report to Congress, which state being invaded by the enemy no report has been yet made. In the mean time viz. on the 18th of July 1778 another decree was made by the court of said state of Georgia ordering said continental agent to take the brig *Hinchinbrook* (one of said prizes) for the use of the Continent and to pay the captors £10,000 current money of the said state of Georgia for the same. This decree the said Continental Agent refused to comply with and appealed therefrom to Congress which appeal is still pending.

Wherefore said Committee report that the said continental agent be directed to prosecute said appeal to final judgment as soon as may be. And that he represent the whole of this dispute to the Governor and Council of the state of Georgia for their consideration agreeable to said resolution of Congress of the 29th of July 1778, as soon as the circumstances of said case will permit.

Which is submitted.

SAMUEL LIVERMORE *for Comtee* [1]

*Resolved*, That the Board of War be authorized and directed to establish the speediest mode of conveying intelligence from and to the Grand Army, as well by land as by water.[2]

Adjourned to 10 o'Clock to Morrow.

[1] This report, in the writing of Samuel Livermore, is in the *Papers of the Continental Congress*, No. 19, VI, folio 529. The indorsement says: "Passed in the negative."

[2] This motion, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 36, I, folio 219. It was negatived as the indorsement shows.

**FRIDAY, SEPTEMBER 21, 1781**

A letter, of this day, from the superintendant of finance, was read, with sundry papers relative to the hospital department: [1]

*Ordered*, That they be referred to a committee of three.

A motion was made by Mr. [James] Duane, seconded by Mr. [James Mitchell] Varnum,

"That the resolutions respecting the filling up vacancies in the general hospital, and the promotions made yesterday, be suspended until the committee to be appointed shall have reported."

And on the question to agree to this, the yeas and nays being required by Mr. [James] Duane,

| | | | |
|---|---|---|---|
| *New Hampshire*, | | | |
| Mr. Livermore, | ay | * | |
| *Massachusetts*, | | | |
| Mr. Lovell, | ay | | |
| Partridge, | ay | ay | |
| Osgood, | ay | | |
| *Rhode Island*, | | | |
| Mr. Mowry, | ay | | |
| Varnum, | ay | ay | |
| *Connecticut*, | | | |
| Mr. Sherman, | ay | * | |
| *New York*, | | | |
| Mr. Duane, | ay | | |
| L'Hommedieu, | ay | ay | |
| *New Jersey*, | | | |
| Mr. Boudinot, | ay | * | |
| *Pennsylvania*, | | | |
| Mr. Montgomery, | ay | | |
| Atlee, | ay | | |
| Clymer, | ay | ay | |
| T. Smith, | ay | | |
| *Delaware*, | | | |
| Mr. McKean, | ay | * | |
| *Maryland*, | | | |
| Mr. Jenifer, | no | | |
| Carroll, | ay | div. | |
| *Virginia*, | | | |
| Mr. Jones, | ay | | |
| Madison, | ay | | |
| Bland, | no | ay | |
| Randolph, | ay | | |
| *North Carolina*, | | | |
| Mr. Sharpe, | ay | * | |
| *South Carolina*, | | | |
| Mr. Mathews, | no | | |
| Bee, | no | | |
| Motte, | no | no | |
| Eveleigh, | no | | |
| *Georgia*, | | | |
| Mr. Walton, | ay | | |
| Howly, | ay | ay | |

So the motion was lost.

[1] This letter is in the *Papers of the Continental Congress*, No. 137, I, folio 141.

The members, Mr. [Roger] Sherman, Mr. [Joseph] Montgomery, Mr. [Elias] Boudinot.

A letter, of this day, from Colonel Armand, was read:[1]

*Ordered*, That it be referred to a committee of three:

The members, Mr. [Samuel John] Atlee, Mr. [William] Sharpe, Mr. [Isaac] Motte.

A letter, of this day, from Major de Lomagne was read:

*Ordered*, That it be referred to the Board of War.

A letter, of 12, from Colonel Broadhead, was read:

*Ordered*, That it be referred to the Board of War.

Letter from J. Mercier was read.[2]

The report of the committee on the memorial of Major General St. Clair was taken into consideration:[3]

The Committee to whom the memorial of Major General St. Clair was referred beg leave to report, that the Board of War draw a warrant on the Paymaster General for five hundred dollars in specie in favor of Major General St. Clair on account of his pay that he may be enabled to proceed on the duties of his command.

*Ordered*, That the same, together with the memorial, be referred to the superintendant of finance.

The report of the committee on the memorial of Brigadier General Stark was read:

The Committee to whom was referred the memorial of Gen[l] Stark beg leave to report, that the said memorial be referred to the Board of War.

*Ordered*, That the memorial be referred to the Board of War.

[1] This letter is in the *Papers of the Continental Congress*, No. 164, folio 466.

[2] Lomagne's letter is in the *Papers of the Continental Congress*, No. 78, XIV, folio 491. Brodhead's is in No. 78, IV, folio 197; Mercier's, dated September 21, 1781, is in No. 78, XVI, folio 235.

[3] The report on St. Clair's memorial is in the *Papers of the Continental Congress*, No. 19, V, folio 387; that on Stark's memorial is on folio 389; both are in the writing of George Walton.

Congress resumed the second reading of the ordinance respecting captures; and on the question to agree to the following paragraph, viz.

"On the re-capture by a citizen, of any negro, mulatto, Indian or other person from whom labour or service is lawfully claimed by another citizen, specific restitution shall be adjudged to the claimant, whether the original capture shall have been made on land or water, a reasonable salvage being paid by the claimant to the re-captor, not exceeding one fourth part of the value of such labour or service, to be estimated according to the laws of the State of which the claimant shall be a citizen: but if the service of such negro, mulatto, Indian or other person, captured below high-water mark, shall not be legally claimed by a citizen of these United States, he shall be set at liberty."

The yeas and nays being required by Mr. [John] Mathews,

| | | | |
|---|---|---|---|
| *Massachusetts,* | | *Delaware,* | |
| Mr. Lovell, | ay | Mr. McKean, | ay * |
| Partridge, | ay ay | *Maryland,* | |
| Osgood, | ay | Mr. Jenifer, | ay |
| *Rhode Island,* | | Carroll, | ay ay |
| Mr. Mowry, | ay | *Virginia,* | |
| Varnum, | ay ay | Mr. Madison, | ay |
| *Connecticut,* | | Bland, | ay ay |
| Mr. Sherman, | ay * | Randolph, | ay |
| *New York,* | | *North Carolina,* | |
| Mr. Duane, | ay | Mr. Sharpe, | ay * |
| L'Hommedieu, | ay ay | *South Carolina,* | |
| *New Jersey,* | | Mr. Mathews, | no |
| Mr. Boudinot, | ay * | Motte, | no no |
| *Pennsylvania,* | | *Georgia,* | |
| Mr. Montgomery, | ay | Mr. Walton, | ay |
| Atlee, | ay ay | Howly, | ay ay |

So it was resolved in the affirmative.

*Ordered,* That Monday next be assigned for the third reading of this ordinance.

The committee ||consisting of Mr. Osgood, Mr. L'Hommedieu, Mr. Sherman,|| appointed to enquire into the state of the accounts depending before the Board of Treasury and chambers of accounts, report,

"That there are no matters depending before the Board of Treasury, but what without inconvenience, may be taken up by the proper officers under the new arrangement: but that there are sundry accounts depending before the chambers of accounts and considerable progress made in the settlement of some of them;" Whereupon,

*Ordered,* That the late commissioners of the chambers of accounts make a fair state of the several accounts referred to them for settlement, so far as they have proceeded in adjusting the same, and deliver them to the comptroller or the auditors that shall be appointed to compleat the settlement thereof, with all such remarks as they may have noted respecting any of the accounts by them examined, which are not compleatly settled.[1]

The committee ||consisting of Mr. Duane, Mr. Randolph, Mr. Mathews, Mr. Boudinot and Mr. Sherman|| to whom was referred the memorial of the hon^ble^ the Minister plenipotentiary of France delivered in a report.

That they have this day held a conference with the said minister plenipotentiary, and received the following communications contained in sundry despatches from Count de Vergennes, minister for foreign affairs to his most Christian Majesty, viz.

*From a letter of* 19*th April.* That Count de Vergennes had transmitted to the minister the details respecting the proposed mediation of the courts of Vienna and

[1] This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress,* No. 26, folio 311.

Petersburg.—(The minister observed, that this had already been communicated to Congress through a committee. He repeated, for our recollection, that the acceptance on the part of France of the proposed mediation depended entirely, at that time, on the concurrence of the United States; and that with respect to Spain, its conduct would be determined by the dissolution of the negotiation with Mr. Cumberland. That the Court of Spain had informed the Court of London, on the first proposal of the mediation of the imperial courts, that as a direct negotiation with the king of Great Britain was opened through Mr. Cumberland, a mediation was unnecessary.)—That affairs since that time had taken a different turn. Mr. Cumberland has been recalled; and the Catholick King, being now entirely at liberty, has accepted the mediation of the two imperial courts. That the king, our ally, had done the same; but that both kings had declared at the same time to the two mediators, that the mediation could not possibly have any activity without previously establishing some fundamental preliminaries. Of this observation the two mediating courts had already felt the propriety. That France was then (viz. 19th April) expecting the effect which this communication would produce on the Court of London. That the first question proposed by France, related to *the admission of an American plenipotentiary;* and that the object of the second was to know, *upon what footing the king of England intended to treat with the United States.* The Court of France, not knowing that the United States had agreed to accept the mediation, again invite us to it.—(The minister here observed that Congress would judge by the questions proposed to the mediating powers, by the king his master, of the principles by which his Majesty was actuated with respect

to the United States. He assured us that his Majesty is invariably resolved to abide by those principles, and will enter into no negotiation whatever before he shall receive a satisfactory solution to those two questions. He added, that the French ministry trusted that this conduct would more and more convince the United States, and would cause them to imitate the example of the king, and to feel that their honour and their interest call for their constant attachment, their friendship, and unreserved confidence towards him.)—The Count de Vergennes observes, that it is plain from these circumstances, that the negotiation for peace will be full of difficulties, and that it will probably be necessary, in pretensions as well as proceedings, to be very cautious, and to act so as to remove those difficulties, and every thing which might increase the acrimony to which the English plenipotentiaries may be naturally inclined.

*From another letter of the same date.* That when this letter was written, the Court had received information of the sentiments of the Court of London with respect to the United States. The Count de Vergennes mentions, that in the act by which the Court of London accepts the mediation of Russia, and requests the mediation of the emperor, she declares that she is ready to make peace, *as soon as the league between France and her revolted subjects should be dissolved.* That this pretension had met from the Court of France the contempt which it deserved. She on her part has declared, that if this proposition contained the last determination of England, it would be in vain to think of peace; and she has desired the English ministry to give a positive answer on the two questions abovementioned. That this declaration had been exactly transmitted by the Court of Vienna to that of London; and the result of the

answer made by that court to the Imperial Majesty is, "*That in all points to be agitated in a future congress, England will behave with great equity and condescension; but the dependence of her rebel subjects in America must be pre-established, and that this matter must be left entirely to the care of Great Britain.*" That it is easily to be perceived, that while things remain in this situation there can be no possibility of a mediation or peace. The Count de Vergennes remarks, that Congress will be finally convinced that it is only by arms and the most vigorous exertions that our independence can be extorted from the Court of London, and not at all by negotiation or persuasion. That the Court of France will transmit to the Court of Vienna the sentiments of the king on the British answer. That if these sentiments should be forwarded to the Court of London without any commentary, it is probable they would make but a slight impression: but it may be hoped from the justice of his Imperial Majesty that they will be supported by such reflections as to make a greater impression on the British court: although it is not to be expected, that the Austrian court will fully enter into the views of his Most Christian Majesty, until the matter shall be more perfectly explained. The Count nevertheless urges the necessity of sending forward proper instructions and powers for the mediation.

*From a letter of the 11th of May.* That the affair of the mediation has made no progress; and that it is very probable that the mediators will not be soon enabled to begin the negotiation. That the admission of an American plenipotentiary presents the greatest difficulties: that the Count however will take every measure in his power to have this admission decided in favour of the United States before the regular open-

ing of the mediation. The Count urges the Chevalier de la Luzerne to observe to Congress, that the best manner of removing these obstacles would be *a decisive victory* gained by the United States in the present campaign.

*From a letter of 27th of July.* Count de Vergennes observes on an opinion which prevailed in America respecting the friendly disposition of the powers of Europe towards the United States, that as yet not one court had taken the least step which manifests their disposition towards the United States. That the courts of Vienna and Petersburg, having assumed the character of mediators, cannot be too reserved. For by a different conduct they would become obnoxious to one or other of the belligerent powers, and lose the important and glorious part with which they are intrusted. That it results from these observations, that the United States ought to look upon themselves as being still separated from all other powers; and that they have but one professed friend, which is France; and that the United States ought to rely principally upon their own resources. The Count de Vergennes observes, that he has talked circumstantially with Mr. Adams on these subjects, who appeared to be satisfied with what had been done in favour of his country. That he had communicated to Mr. Adams the preliminary overtures made by the two imperial courts, as well as the intended answer of his Most Christian Majesty. That the great or only difficulty concerns America. That France will do all in her power to remove that obstacle, upon which depends the activity of the mediation. That as soon as it shall be removed, or proved to be unsurmountable, proper instructions will be forwarded to the Chevalier de la Luzerne, con-

cerning the conduct which the state of affairs will require from Congress. That the Court of France had received, with great satisfaction, information that Congress were disposed to trust their interest to the two mediating powers. The Chevalier de la Luzerne is directed to inform Congress that no use shall be made of this disposition, in the present state of affairs; and that it shall be communicated only when it can be done consistently with the dignity of the United States.

*From a letter of the 19th of April.* That Mr. Dana has communicated to Count de Vergennes his appointment, and requested his advice concerning the conduct which circumstances demanded on his part. That it gave the Count great pleasure to observe this proof of the confidence which Congress and their ministers reposed in the friendship and advice of his court. That the Count informed Mr. Dana, that he would run the risk of exposing his person, and the dignity of the United States, if he assumed any character whatsoever in Russia, while the empress had not acknowledged the independence of the United States, and expected to act the part of a mediatrix, which demanded the most perfect impartiality. That Mr. Dana felt the propriety of the observation; and proposed to the Count that he should appear in Russia in the character of a common traveller, keep his commission a secret, and avoid with the greatest care to speak of business, unless requested so to do by the Russian ministry. That the Count fully approved of this prudent scheme; and apprized Mr. Dana of all the difficulties he would meet with. He had him recommended to the Marquis de Verac, envoy extraordinary at the Court of Petersburg; and the Chevalier de la Luzerne is directed to assure Congress that the Marquis de Verac would do all in his

power for Mr. Dana's best reception, and with pleasure assist him with his counsels as often as he should have recourse to them. That the Marquis de Verac had communicated to the Russian ministry the resolution of Congress concerning the principle of the declaration made by the empress of Russia to the belligerent powers. That this envoy informs the Count de Vergennes, that the contents of this resolution had afforded great satisfaction to Count Panin, minister for foreign affairs, who intended to submit it without delay to the perusal of the empress. That the Marquis de Verac did not doubt but that she would be pleased with the readiness of Congress to adopt that principle; and that correspondent resolutions will have been taken respecting the navigation of the neutrals.

*From a letter of the 29th of June.* That the accession of the State of Maryland to the general confederation, in the opinion of the Court of France, presents very great advantages; among which is this, that Congress, having at last acquired that power which the Act of Confederation has assigned them, it is to be expected that their orders will be fully and exactly executed, and that they will take advantage of the resources of their country to give to American patriotism new energy. The minister is directed to inform Congress of the satisfaction the king has received on that account, and to tell them, at the same time, that there is the most pressing necessity to take more effectual measures than heretofore to drive the British out of this continent. It is thought needless to enter into details about the circumstances which render this measure necessary. The king entreats the United States, *as his friends,* not to lose a moment in acting as vigorously as possible against the common enemy. That

Congress cannot be particularly acquainted with the different burdens which France has upon her hands. She wishes to be in a situation to continue as effectual assistance to the United States as at this moment; but future events may happen in a manner different from what we may expect, though nothing can change her unalterable resolution to support the independence of her ally. The Count de Vergennes observes, that he shall not speak any more of the non arrival of the second division, having reason to believe from the orders given to Count de Grasse, that the delay will be judged of greater utility to the United States than if the announced reinforcement had been sent in the time expected. He adds, that the Chevalier de la Luzerne had been already informed of the causes which had prevented a compliance with the expectation which he had been authorized to give.

*From a letter of the 11th of May.* That the Count de Vergennes had been informed by the Duke de la Vauguyon, ambassader to the United Provinces, of the intention of Mr. Adams to display his character as a minister of the United States in Holland. That the duke gave him no assistance on that occasion, knowing the application would have no favourable issue. The Chevalier de la Luzerne is directed to inform confidentially a committee, or Congress themselves, of these circumstances, in order that they may transmit to their said minister plenipotentiary such instructions as they may think proper. France is too much interested in the fate of the United States not to give them such counsels as would have for a principal object their advantage and their dignity.[1]

[1] This report was entered only in the manuscript Secret Journal, Foreign Affairs. It is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 719.

AT A BOARD OF WAR *September 20th 1781.*

Present Mr Peters
General Cornell

The Board have been honored with the reference of the letter from Col. Armand. They are so deeply impressed with this gentleman's merit and exertions, that they are of opinion every motive should induce a compliance with the positive contract made with him previous to his going to France, from whence he has brought all the articles necessary for the complement of his Legion, but it is now reduced to less than a troop. A Resolve of Congress formerly passed on the subject of this Corps authorized the taking of a certain number of men from the several State Lines to fill up the Legion. This went on a supposition that the States would so far comply with the requisitions of Congress that a sufficient number could be spared for Col. Armand's Corps. But as this cannot now be done, on account of the weakness of the several State lines, we see no other way to fill up the Legion but by enlistments which will require the sum of thirteen thousand five hundred dollars at the bounty offered by Congress by their resolutions of the 3rd October 1780. The procuring of horses will be a business attended with great embarrassments. If they are to be purchased the sum of twenty seven thousand dollars specie must be advanced. The difficulties we allude to only flow from the want of money for with that the Men and Horses as Congress well know can easily be procured. If Congress should think with us, that the Corps should be raised, and that it is practicable under the present state of the finances they will please to resolve,

That the Superintendant of Finance be directed to take measures in concert with the Board of War for completing Col. Armand's Corps to its complement of men and horses.

That all Horses purchased by any of the Southern States on account of the United States, and not appropriated to the other Corps of Cavalry be delivered to Col. Armand for the use of his Legion.

The Board notwithstanding their recommending the above resolutions, are so much embarrassed on the subject of procuring the money, that if any more eligible mode could be adopted, they would have taken the liberty of mentioning it to Congress. There are no other means of procuring men but by enlistment or drafting and the general is of opinion the latter cannot be done. The difficulty as to

Horses will still remain unless they can be supplied out of those purchased in Maryland for the State Cavalry lately called for by Congress and for which as we are informed the men were not raised. But we have no certain information respecting this matter.

N. B. Col. Armand has 30 horses remaining of his Legion. There are 45 horses of Vanheer's corps which perhaps may be added to Col. Armand's.[1]

Adjourned to 10 o'Clock to Morrow.

## SATURDAY, SEPTEMBER 22, 1781

On motion of Mr. [James Mitchell] Varnum, seconded by Mr. [Roger] Sherman,

*Ordered*, That no appointment be made of mates, to supply the places of those promoted in the general hospital by the resolution of the 20 until the farther order of Congress.

A letter, of 17, from Major General Heath, was read:

*Ordered*, That it be referred to the Board of War.

A letter, of this day, from Mr. Hillegas was read, accepting the office of treasurer; also

A letter, of this day, from J. Nourse was read, signifying his acceptance of the office of Register.[2]

Adjourned to 10 o'Clock on Monday.

## MONDAY, SEPTEMBER 24, 1781

Mr. [Abraham] Clark, a delegate for New Jersey; and

Mr. [John] Hanson, a delegate for Maryland, attended and took their seats.

A letter, of 20, from Major General Heath;

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 277. It was read on this day as the indorsement indicates.

A letter of this day from Baron d'Arendt was read on this or an approximate date. It is in the *Papers of the Continental Congress*, No. 78, VII, folio 411.

[2] Hillegas's letter is in the *Papers of the Continental Congress*, No. 78, XII, folio 179; Nourse's is in No. 78, XVII, folio 143.

A letter, of May 3, from the hon^ble^ Doct Franklin, with copies of the intercepted letters before received;

A letter, of April 9, from hon^ble^ J. Laurens;

A letter, of 30 November, 1780, from Mr. Sweighauser; and

A letter, of this day, from the superintendant of finance, with a letter enclosed from Captain James Nicholson, of 19th; were read.[1]

The committee of the week was elected:

Mr. [Abraham] Clark, Mr. [John] Hanson, Mr. [William] Sharpe.

A report from the committee of the week was read; Whereupon,

*Ordered*, That a letter, of 20, from Brigadier General McIntosh, with the papers enclosed, be lodged in the secretary's office.[2]

A report of the Board of War was read; Whereupon,

WAR OFFICE *September 22^nd^ 1781.*

SIR,

The Board have considered the memorial of Colonel Broadhead referred to them by Congress. Upon which they beg leave to observe that they do not think themselves equal to an investigation on the merits of this unhappy dispute as the original papers relating thereto were referred to the Commander in Chief and we are uninformed of the measures he hath taken on the subject; but the Board are unanimous in opinion that no time ought to be lost in putting an end to a dispute that tends to involve these states in the most dangerous consequences. They therefore submit the following resolutions.

*Resolved*, That Brigadier General Irwin be, and hereby is ordered to repair forthwith to Fort Pitt, and take upon him the command of that garrison until farther orders:

[1] Heath's letter is in the *Papers of the Continental Congress*, No. 157, folio 298; Schweighauser's is in No. 193, folio 389; Morris's is in No. 137, I, folio 169; Laurens's letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 355.

[2] This report is in the *Papers of the Continental Congress*, No. 32, folio 257; McIntosh's letter is in No. 162, folio 309.

That Brigadier General Irwin be, and hereby is authorised and directed to arrange the troops which compose the garrison of Fort Pitt and its dependencies, in such manner as to retain no more officers than are absolutely necessary for the number of non-commissioned officers and privates at those posts:

That Brigadier General Irwin be, and hereby is authorised and directed to arrange the staff departments within his command, so as to retain no more officers or persons in those departments than the service absolutely demands:

That he be, and hereby is farther empowered to call in, from time to time, such aids of militia as may be necessary for the defence of the post under his command and the protection of the country; and for this purpose the executives of the States of Virginia and Pensylvania are requested to direct the proper officers of the militia in their respective states, to obey such orders as they shall receive, from time to time, from Brigadier General Irwin, for the purpose aforesaid.[1]

Another report from the Board of War was read; Whereupon,

WAR OFFICE *Sept. 24th 1781.*

Sir,

The Board beg leave to inform Congress that the Reverend Mr Armstrong Chaplain to the Second Maryland Brigade (now in this City) has applied to them for an advance of money on account, to answer some unavoidable exigencies, occasioned by the loss of his baggage at the battle of Camden, and enable him to return to the Southern Army.

The Board therefore beg leave to report,

*Resolved*, That the Board of War be empowered to draw a warrant on the paymaster general in favour of the Revd Mr. Armstrong, chaplain to the 2d Maryland brigade, for

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 285.

six months' pay and subsistance in bills of the new emissions, for which sum he is to be accountable.[1]

Another report from the Board of War was read; Whereupon,

AT A BOARD OF WAR *September 22nd 1781*

Present Mr Peters
General Cornell

The Board having taken into consideration the Memorial of Major Lomagne referred to them from Congress,

Beg leave to report,

*Resolved*, That Major Lomagne, late of Colonel Armand's legionary corps, be permitted to retire from the service of the United States, in which he has distinguished himself by his personal bravery, his state of health not permitting his continuance in service.

That his account for pay and depreciation be adjusted by the Comptroller of the Treasury, and the sum of dollars in part of the balance due him be paid in bills of exchange on Europe to enable him to return to France and for the residue he receive loan office certificates in like manner with the officers of Hazen's Regiment.

The Board beg leave to observe that Major Lomagne has incurred considerable expences by his long sickness, and is in a very distressed situation, they have therefore left a blank for the sum to be paid him in bills of exchange, that Congress may be pleased to fill it up as they shall deem proper.[2]

*Ordered*, That the remainder of the report respecting the settlement of Major Lomagne's accounts be referred to the superintendant of finance.

The committee to whom was referred the memorial from the honble the Minister plenipotentiary of France requesting a conference, delivered in a farther report containing the substance of their conference:

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 293.

[2] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 281.

*From a letter of the 19th April, 1781:*

That Count de Vergennes remarks, that on the application of Chevalier de la Luzerne, and his representation of the distresses of the United States, measures had been taken for our aid when Colonel Laurens arrived; that it being impossible for the king to comply with all Colonel Laurens's demands, he took the resolution to offer his guaranty for ten millions of livres tournois, to be borrowed in Holland, for account of the United States; that the king was sensible of the wants and distresses of Congress, and wished to relieve them; but that it ought to be considered, that the French squadron and troops are in America for our immediate assistance. That Count de Grasse's expedition to America will occasion great expense;—and that all those things collected together would go far beyond even the expectation of Congress. That the most essential manner of showing the gratitude of the United States would be by making all the exertions in their power to co-operate in a glorious and effectual manner with the king's forces for their own speedy deliverance. The Count de Vergennes observes, that a part of the six millions of livres would be employed in purchasing the different articles contained in a list delivered by Mr. Laurens. That three millions would be given by instalments to Dr. Franklin, for the payment of bills of exchange drawn by Congress. That a fourth million would be reserved for unforeseen emergencies, and particularly to pay for the supplies embarked on the ship *La Fayette*. That Count de Vergennes had been Dr. Franklin's security for a part of those supplies, amounting to 417,000 livres. That he is unacquainted with the measures which had been taken to effectuate the loan of ten millions in Holland, that affair being in the province of Mr. Neckar, who probably would settle

that matter with Mr. Laurens, or with Mr. Adams, who at that time was still in Holland to fill up a loan of a million florins, which he had opened several months before.

*From a letter of 11th May.* That Count de Vergennes informs the Chevalier de la Luzerne, that orders had been given by the king to have the loan of ten millions on account of the United States negotiated: that the Duke de la Vauguyon had received orders to propose it to the states of Holland; but met with insuperable difficulties, not only because the United States had *no credit in Holland*, but also because that province was afraid of exposing itself; and that indeed granting a loan to the United States would be the same thing as countenancing their independence, which would be contrary to the obligations entered into by the republick with the neutral powers: that in order to remove this difficulty, the king had presented himself as *a principal borrower*, and as being alone accountable for the sums which were to be furnished. The Count adds, that he thinks these proceedings need no commentary; and that a mere exposition of them will be sufficient to excite the gratitude of the United States, and to engage them at last to make all the exertions in their power. The Count flatters himself that the measures which have been taken by his court will enable Congress to put their finances in the best order. That the Chevalier de la Luzerne had often written to him, that the most certain way to effectuate so happy an event would be to put Congress for a while out of their distressing situation, and to enable them, by an external relief, to take internal measures without precipitation, and with solidity. That these considerations determined the king; and that from affection he has done more for his ally than mere prudence would,

perhaps, have suggested to him. That the council of the king have no doubt but this resolution will be productive of the good effects which the Chevalier de la Luzerne had announced. The Count exhorts Congress to take hold of the present circumstances for the common advantage. He thinks it his duty freely and openly to declare, that the moment is come; not to spend the time in expectation, deliberation, and useless exhortations: that though he would wish to avoid every disagreeable intimation, friendship and common interest oblige France to speak without reserve and with perfect sincerity: that the king has done on this occasion what he can do no more: that Congress, if well informed of the situation of his Majesty's affairs, would be sensible that an exertion like the present cannot be repeated; and that the court would feel the deepest concern, if it was under the disagreeable but indispensable necessity of refusing the demands of an ally whose cause is now become his own.

*From a letter of the 14th of May.* That Count de Vergennes observes, that Colonel Laurens had taken leave of the King, and that he ought to be satisfied with the success of his mission, although he had not obtained all that he demanded. That the Court of France hopes these demands will not be renewed; for how disagreeable soever to refuse allies whom the king sincerely loves, necessity would oblige him to reject pecuniary demands of any kind whatsoever.

*From a letter of 27th July.* That the Chevalier de la Luzerne observed, that in March last he informed Congress that the court no longer pay the bills drawn upon France; upon which declaration be believes Congress stopped all drafts on Dr. Franklin: that he informed the court of that resolution of Congress. The Court in

the mean time had resolved to grant a subsidy of six millions, to be employed in purchasing arms, ammunition and clothing to be sent from France to the United States; and the remainder of the sum to be employed in paying the drafts of Congress or any person they might appoint. Mr. Morris being appointed superintendent, the minister, according to his instructions, authorized him to draw for half a million of livres, and informed Mr. Neckar of this measure; accordingly funds were prepared for a regular payment. The Chevalier de la Luzerne had agreed with the superintendent, that he might draw in the whole for a million and a half, including the half million abovementioned; of all which he had informed Count de Vergennes. Colonel Laurens being in the mean while arrived in France, it was found from his representation that the mode of drawing was prejudicial to Congress, and that if the specie was imported there would be no loss: and it was agreed, that he should bring over two millions and a half out of the six millions in specie. In consequence of this measure, Count de Vergennes acquaints the Chevalier de la Luzerne that he hopes the superintendent will not have drawn more than the before mentioned half million of livres. He wishes it the more earnestly as bills for a greater sum would embarrass the finances of France in a great degree, the goods delivered to Colonel Laurens exceeding already the sum remaining out of the six millions, and the goods taken on board the *Marquis la Fayette* being not yet replaced.

For a fuller explanation, the Chevalier de la Luzerne communicated to the committee an account of the sums already furnished, and to be furnished from this time to the end of the present year for the service of the United States. That he had orders to take hold of this

opportunity to repeat to Congress, that the king for the next year cannot continue any supplies to the United States, even of a much less nature. That it is time for them to relieve his majesty from the heavy burdens in a war which he had undertaken and carries on for their sakes. That the Count de Vergennes expects that Congress will not have drawn more bills of any kind after the first day of April last: that relying firmly on this, he had engaged the king to procure the necessary sums to answer the bills drawn before that period, and desired Dr. Franklin to accept no more, if he had no other means of paying them: that this resolution could not be altered by any circumstances whatever. The Count de Vergennes proceeds to state how far the abuse of the king's benevolence had been carried, he supposes against the will and instructions, and without the knowledge of Congress. That the bills drawn upon Mr. Jay, Mr. Adams, and Mr. Laurens, had been sent back to Dr. Franklin, that is, in effect, to the Court of France. That the republick of Holland had been unwilling to hear of any loan even under the guaranty of the king, when it was known that the money was intended for the use of the United States; and that to remove this obstacle, as he had before observed, the king was induced to present himself as the principal borrower. The court was still unacquainted with the effect of that proposition.[1]

The Chevalier de la Luzerne then presented to the committee a paper entitled "List of the sums that have been furnished by the king, and that are to be furnished hereafter in the course of this year for the service of the United States of America;" and also a paper explanatory of the said account; both of which are delivered in with this report.

[1] The report to this point is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 724.

*The Paper entitled List of the sums, &c.*

| | | |
|---|---|---|
| To Dr. Franklin. | | |
| 1. For paying the bills of exchange drawn by Congress on Dr. Franklin | | 3,000,000 |
| 2. For paying a part of the clothing on board the ship *Marquis la Fayette* | | 416,000 |
| 3. Supplement for paying new bills of exchange drawn by Congress | | 800,000 |
| | | 4,216,000 |
| To Mr. Laurens. | | |
| 1. Carried with him in specie | 2,500,000 | |
| 2. Furnished upon Holland | 1,500,000 | |
| N. B. This last sum has been retained by Dr. Franklin for paying new bills of exchange which he had accepted. | | |
| 3. Several articles of arms, ammunition, clothing, furnished by the departments of war and marine and sent to America | 2,289,109 | |
| | | 6,289,109 |
| Sums that are to be furnished— | | |
| 1. To Dr. Franklin to pay the bills which he may accept, drawn before the 1st April | 2,000,000 | |
| 2. Supplement of articles demanded by Colonel Laurens | 397,000 | |
| 3. To replace the articles that were on board the ship *Marquis de la Fayette* | 2,297,392 | |
| | | 4,694,392 |
| Total | | 15,193,501 |
| There is to be added to this sum the amount of bills drawn by Mr. Morris on Messrs le Coulteux | | 500,000 |
| | | 15,693,501 |
| To be deducted this sum which the king has granted to the United States | | 6,000,000 |
| | | **9,693,501** |

By deducting farther from this sum the three million four hundred and sixteen thousand, furnished to Dr. Franklin, and which are to be added to the advances formerly made to Congress..... 3, 416, 000

There remains due to the king to be deducted from the loan opened in Holland the sum of..... 6, 277, 501

There is in the above calculation a mistake of six thousand, which is likewise in the original received by the minister of France from his court, of which this is a copy officially communicated.

*Second Paper, 1781.*

1. Remis à Monsr. Franklin, pour acquitter des traites du Congrès..... 3, 000, 000
2. Remis pour payer de nouvelles traites du même. 800, 000
3. Remis au même pour payer de nouvelles traites la somme qui avait été envoyée en Hollande.. 1, 500, 000
4. On doit lui remettre pour acquitter d'autres traites qu'il aura acceptées et qui seront antérieures au premier Avril, dr..... 2, 000, 000
5. Somme tirée par Mr. Morris sur Mr. Le Couteux. 500, 000
   N. B.—Si Mr. Morris a négocié au dela de cette somme on payera avec exactitude.
6. Remis pour partie des draps chargés sur le *Marquis de la Fayette* à Mr. Franklin ci..... 416, 000
7. Il faudra fournir pour le replacement des effets chargés sur ce navire par apperçu..... 2, 297, 392
8. Il a été remis à Mr. Laurens en argent comptant qu'il a apporté à Boston ci..... 2, 500, 000
9. Diverses fournitures faites au même Mr. Laurens en armes munitions, vêtemens pour les départmens de la guerre, et de la marine, les quelles fourniture ont été expédiées..... 2, 289, 109
10. Il faudra que le roi avance pour suplément d'effets, demandés par Mr. Laurens..... 397, 000

Total de sommes fournies et à fournir en 1781 pour le compte du Congrès..... 15, 699, 501

| | |
|---|---|
| Il faut en déduire les 6 millions donnés par le roi aux Etats Unis | 6,000,000 |
| Reste à payer par le roi du compte du Congrès, ci | 9,699,501 |
| Il faut encore déduire de cette somme celle de 3,416,000 fournies a Mr. Franklin, et qui doit étre jointe aux avances précédement faites au Congrès, ci | 3,416,000 |
| Il restera donc du pour acquitter les engagements ci dessus enoncés | 6,283,501 |
| Plus les lettres de changes tirées par M. Morris ensus et au dela de 500,000 mentionnées ci dessus montant à la somme de laquelle somme sera prelevée sur l'emprunt ouvert en Hollande, du quel le succès est encore incertain; mais que le roi a promis d'avancer au Congrès en cas que la Hollande ne puisse le fournir ci | 10,000,000 |
| Il restera donc à la disposition du Congrès après les sommes ci dessus acquittées, ci | |

L'epoque à la quelle l'emprunt de la Hollande sera rempli est incertaine; mais s'il ne l'est point, le roi a promis d'y, suppléer des ses fonds le plutôt qu'il sera possible; cette expression ne permet pas de juger quand cette somme pourra être à la disposition du Congrès, le Chevalier de la Luzerne ne perdra pas de tems à s'en informer et à savoir de quelle manière elle parviendra au Congrès. Il prie le comité de vouloir bien lui communiquer les sentimens du Congrès sur cette matière.[1]

*Ordered*, That this, together with their former report be re-committed that the committee may report thereon.

Congress proceeded to the election of a comptroller; and the ballots being taken, Mr. William Churchhill Houston was elected, having been previously nominated by Mr. [Elias] Boudinot.

[1] This report was entered only in the manuscript Secret Journal, Foreign Affairs.

The report of the Committee of Commerce on the memorial of William Bingham was taken into consideration; and after debate:

*Ordered,* That it be re-committed; and

That Mr. [Edward] Telfair be added to the committee for this purpose.

Mr. A[rthur] Middleton, a delegate for the State of South Carolina, attended and produced the credentials of his appointment, which were read, as follows:

STATE OF SOUTH CAROLINA,
IN THE HOUSE OF REPRESENTATIVES,
*the 1st Day of February, 1780 (six o'clock, P. M.).*

The House met according to Adjournment.

*Ordered,* That Mr Edwards and Mr Charles Elliott do wait on the Senate and acquaint their Honours, that this House is now ready to receive them, in order, jointly, to ballot for a Fifth Delegate to the Congress of the United States.

Mr Edwards reported, That Mr Elliott and himself had delivered the Message they had in Charge to the Senate, who were pleased to say, they would attend in this House presently.

The Honourable the Senate being come into this House accordingly:

The Members of both Houses proceeded to ballot for a Fifth Delegate to Congress

After which the Senate withdrew, leaving one of their Members to see the Poll closed.

And the Ballots being reckoned,

Mr Speaker reported, That upon casting up the Ballots, it appeared, That the Honourable Arthur Middleton, Esquire, was, by a Majority of the Votes of all the Members present, duly elected a Delegate to represent this State in the Congress of the United States.

A true Extract from the Journals.

PETR TIMOTHY,
*Clerk of the House of Representatives.*[1]

[1] The original is in the *Papers of the Continental Congress*, South Carolina, *Credentials of Delegates.*

The report of the committee on the memorial of Thomas Savage was taken into consideration, and sundry motions being made thereon:

*Ordered*, That the report and motions be re-committed.

AT A BOARD OF WAR *September 24. 1781*

The Board have been honored with a reference of a letter of General Washington's respecting the exchange of Colonel Laumoy and Lieutenant Colonel Cambray. On which we beg leave to observe that the same obstacles which have occurred to the Commander in Chief create difficulties with us of so important a nature that unless we were pointedly ascertained that the services of these gentlemen are so absolutely necessary for the operations of the war, that they could not be dispensed with, we could not undertake to recommend a measure which deranges the system of exchanges and causes infinite jealousies in the minds of the officers who conceive themselves retained in captivity by any preferences. On this consideration we beg leave to return the letter of Colonel Pinckney as connected with this subject, leaving Congress to judge of the reasons he has mentioned, which will at least serve to shew the grounds we have to believe much uneasiness will be created by the exchange of Colonel Laumoy and Lieutenant Colonel Cambray Preferences have been given heretofore to foreign officers on principles of policy and if Congress should be of opinion that such principles should prevail on this occasion, they will be pleased to direct General Duportail's request in favor of these gentlemen to be complied with. We cannot but add in favor of these Gentlemen, that we are convinced of their abilities, and join with General Duportail in opinion that their abilities, with the local experience they have added to their professional knowledge cannot be more usefully employed than in a Southern enterprise.[1]

Adjourned to 10 o'Clock to Morrow.

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 289. It was read on this day as the indorsement indicates. It adds: "On question to agree to order their exchange 5 ayes, 3 noes, lost." The question is on folio 292: *Resolved*, That the Commissary General of prisoners immediately cause Colonels and of the Corps of Engineers to be exchanged.

## TUESDAY, SEPTEMBER 25, 1781

A memorial from the hon^ble^ the Minister plenipotentiary of France was read, with sundry papers enclosed:

*Ordered*, That the same be referred to a committee of three:

The members, Mr. [Daniel] Carroll, Mr. [George] Clymer, Mr. [James] Duane.[1]

September 24, 1781, the minister of France transmitted to Congress the following memorial:

PHILADELPHIA, *September 24, 1781.*

The undersigned minister plenipotentiary of France has the honour to communicate to Congress a memorial sent to him by Don Francisco Rendon. He entreats this assembly would be pleased to take it into consideration; and he has no doubt but the resolution which they will pass will be as favourable to the subjects of his Catholick Majesty as justice will permit.

LE CHEV. DE LA LUZERNE.

The memorial enclosed is as follows:

*May it please your excellency,*

Don Francisco Rendon, resident in this city, *encargado do negocios* for the Court of Spain, with all due respect, informs your excellency, That in consequence of the articles of capitulation granted to the troops and inhabitants of his Britannick majesty at the reduction of Pensacola by Don Bernardo de Galvez, commander in chief of the forces of his Catholick Majesty, permission was granted by the governour of the place to Captain

[1] Luzerne's letter and the reply of Congress were not entered in the Public Journal, but are printed in the Secret Journal, Foreign Affairs, under date of January 25, 1782, immediately following the "plan of a convention respecting consular powers" adopted on that date. They are also printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 728.

Jahleel Smith, with his vessel called the *Sally*, her crew and passengers contained in the passport, to go to New York, six of the passengers being prisoners on parole, to be exchanged for an equal number of Spanish prisoners; that in his passage the said flag was captured by an American vessel called the *Betsey*, Captain Enos, belonging to the State of Pennsylvania; that in consequence thereof, the said J. Smith has presented to me a petition and an account which I herewith enclose, praying me to obtain for him an indemnification and payment for the damages he has sustained, and that liberty may be granted him by the supreme authority to pass freely to the place of his destination agreeable to the permission of the generals of the king my master: —I therefore entreat that your excellency would be pleased to present this memorial, with the documents accompanying it, to the honourable Congress, and pray them to order payment to be made to the captain of the flag for the delay and damages occasioned by this capture, and grant the said prisoners of his Catholick Majesty mentioned in the passport free permission to go to New York, in order to discharge their parole and obtain their exchange. I am induced by your excellency's goodness to hope for this favour, &c.

FRANCISCO RENDON.

His Excellency Chev. DE LA LUZERNE,

*Minister Plenipotentiary of France to the United States.*

The foregoing memorials, with the papers accompanying them, being referred to Mr. [Daniel] Carroll, Mr. [George] Clymer and Mr. [James] Duane, the said committee returned the following answer:

PHILADELPHIA, *September 25, 1781.*

SIR,

The United States in Congress assembled, ever desirous to observe good faith and maintain the rights of neutrality, and sincerely disposed to cultivate the friendship of his Catholick Majesty, have referred the memorial presented by your excellency in favour of Jahleel Smith, master of the schooner *Sally,* to a committee of Congress, who now have it under consideration.

To form a right judgment of the transaction it is conceived necessary that an authentick copy of the capitulation granted by his Catholick Majesty's general to the British officer lately commanding at Pensacola, and referred to in the memorial of Don Francisco Rendon, residing in this city, *encargado de negocios* for the Court of Spain, should be communicated to the United States. In the mean time it requires no deliberation to assure your excellency that the laws of the land are competent for redressing every injury perpetrated by vessels of war commissioned by the United States, or under their authority, although the security for the good behaviour of the officers and crews may not be adequate to the damages claimed.

I have the honour to be with the greatest respect, your excellency's most obedient humble servant,

for the Committee.

His Excellency, the Chev. DE LA LUZERNE,
*Minister Plenipotentiary of France.*

A report from the Board of War was read; Whereupon,

AT A BOARD OF WAR *September 25th 1781.*

Present Mr Peters
General Cornell

Upon the application of Lieutenant Wheaton of the Rhode Island Regiment, who hath been on command with the detachment under the Command of the Marquis de la Fayette and hath been wounded

and obtained leave from the Marquis to return home for the recovery of his health, and is now in this City, on his way home entirely destitute of cash,

The Board report,

*Ordered,* That the Board of War draw a warrant on the paymaster general in favour of Lieutenant Wheaton of the Rhode Island regiment for forty dollars on account of his pay.[1]

The delegates for the State of Pensylvania laid before Congress a letter, of this day, from the supreme executive council of the said State; and thereupon moved a resolution:

*Ordered,* That the same be referred to a committee of three:

The members, Mr. [James] Duane, Mr. [Roger] Sherman, Mr. [James] Madison.

A report from the Board of War was read; Whereupon,

*Resolved,* That the Rev. William Plumb receive the pay and emoluments of a brigade-chaplain, from the 20 day of September, 1777, when he was appointed chaplain to the northern hospital by General Gates, ~~until the 30 September 1780 when all hospital chaplains were deranged~~ during the time he continued in service:

That it be recommended to the State of Connecticut, of which Mr. Plumb is an inhabitant, to settle with him for his pay and depreciation, during the time ~~mentioned in the foregoing resolution~~ he was on duty, on the principles adopted by them in their settlements with the officers of the line of that State.[2]

On motion of Mr. [Roger] Sherman, seconded by ———— the following resolution was passed:

Whereas by a resolution of the 24 of August, 1780, officers are entitled to subsistance money in lieu of rations withheld, according to the just cost of such rations:

[1] This report is in the *Papers of the Continental Congress,* No. 148, II, folio 297.

[2] This report is in the *Papers of the Continental Congress,* No. 148, II, folio 301.

*Resolved,* That the superintendant of finance be authorised and directed to ascertain the value of a ration, from time to time, and certify the same to the paymaster general, who shall govern himself accordingly in settling with the officers.

The report of the committee on the petition of George Crowningshield, Nathaniel Silsbee and John Collins was taken into consideration; Whereupon,

The Committee to whom was referred the memorial of G. Crowninshield and others, relative to the capture of a vessel, belonging to them, by Seth Harding, commander of the ship of war, *Confederacy,* in the service of the United States, and the condemnation thereof in a Court of Admiralty at Cape Francois report:

That in any event before a farther procedure can be directed, a proper attestation of the suggestions contained in the said memorial should be produced:

That, even according to the circumstances therein set forth, no farther judiciary procedure can be instituted by the order of Congress:

Because if the sentence of condemnation be valid, there is no reason for their interposition, and if it be void in itself, the vessel, wheresoever found, may be recovered by a legal process, together with damages against the Captor, if he hath offended:

Because the United States are not bound to answer in this instance for the act of an Officer which goes beyond their commission, but only to cause due enquiry:

Because no tribunal exists in America for the review or correction of sentences, given by the French Admiralty, and

Because foreign courts of judicature should pay full credence and respect to the decrees of each other.

But forasmuch as it becomes Congress to punish any abuse of the authority, delegated by them, and to make due representations upon losses sustained by citizens of the United States from the decisions of foreign Courts;

*Resolved,* That a Committee be appointed to examine into the allegations of the said memorial against the said Seth Harding, and the complaint of an improper exercise of jurisdiction by the court of Admiralty at Cape Francois, and report thereon.[1]

[1] This report, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress,* No. 19, I, folio 611.

*Ordered,* That the petition be dismissed.

The report of the committee, ||consisting of Mr. Duane, Mr. Bee, Mr. Sherman,|| to whom was referred the report of the Board of Treasury respecting the claim of the representatives of Mr. du Coudray, was taken into consideration; Whereupon,

*Resolved,* That the sum of fourteen thousand eight hundred and eighty-six livres, six sous and one denier tournois, be passed to the credit of the representatives of the late Mons. du Coudray, in the books of the treasury; and that the same when paid, shall be in full of his claims against these United States.[1]

The report of the committee, ||consisting of Mr. Duane, Mr. Livermore, Mr. Jones,|| on the letter of 9th of August, from General Schuyler, was taken into consideration; Whereupon,

*Resolved,* That the commissioners for Indian affairs in the northern department, be instructed, in answer to the representation and request of the friendly Caghnawagas, to assure them that Congress have a just sense of their attachment to the United States, and will embrace every occasion to maintain their rights and redress their grievances.[2]

A letter, of 7, from Mr. T. Jefferson, was read.

Adjourned to 10 o'Clock to Morrow.[3]

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, II, folio 141.

[2] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 30, folio 353.

[3] The following motion was offered this day, as the indorsement shows, by Ezra L'Hommedieu and is in his writing. It is in the *Papers of the Continental Congress*, No. 36, I, folio 365.

A Board of general officers appointed in pursuance of the act of Congress of the 10th day of May last, having reported that Udney Hay Esquire ought to enjoy the rank and emoluments of a retiring Lieutenant Colonel:

*Resolved,* That the said Udney Hay be entitled to the rank and emoluments of a retiring Lieutenant Colonel from the first day of January last.

## WEDNESDAY, SEPTEMBER 26, 1781

There not being a sufficient number of states to proceed to business:

Adjourned to 10 o'Clock to Morrow.

## THURSDAY, SEPTEMBER 27, 1781

Mr. Edward Telfair, and Mr. Noble Wimberly Jones, two of the delegates for the State of Georgia, attended, and produced the credentials of their appointment, which were read, in the words following:

State of Georgia.] The People of the State of Georgia, by the Grace of God Free and Independent

[Signed] NATHAN BROWNSON, [with the great seal of the said State appendant.]

To all to whom these presents shall come, send Greeting

WHEREAS the General Assembly did at their last Meeting held at Augusta in the County of Richmond in the said State on the Seventeenth day of August Instant, nominate and appoint the Honorable Edward Telfair, Noble Wimberly Jones, William Few and Samuel Stirk Esq[rs] to represent the same in the Assembly of the United States of America in General Congress, to continue in Office until the first Tuesday in January Next, and from thence until others shall be legally appointed NOW THEREFORE KNOW YE that in pursuance of such nomination and appointment, We do by these presents, Commissionate the said Edward Telfair, Noble Wimberly Jones, William Few, and Samuel Stirk Esq[rs] Delegates to represent this our State, in the said General Assembly of the United States of America in Congress assembled, and do hereby authorize them, and each of them, to hold, and exercise, all the powers and Authorities to the Office, or place of Delegate belonging, by virtue of the Constitution of this State, the Confederation of the United States, and the Nomination and Appointment aforesaid. In Testimony whereof we have caused the Great Seal of this our State to be hereunto affixed.

Witness NATHAN BROWNSON Esq. Captain General Governor and Commander in Chief of the said State at Augusta the Twenty Seventh

day of August in the Year of our Lord One thousand seven hundred and Eighty one, and in the Sixth Year of our Independence.[1]

A letter, of 15, from General Washington;

One, of 21, from Major General Heath; and

One, of 19, from General Schuyler;[2] were read.

A letter, of 26, from Major Lomagne, was read:

*Ordered*, That it be referred to a committee of three:

The members, Mr. [Theodorick] Bland, Mr. [Roger] Sherman, Mr. [Joseph] Montgomery.

A letter, of 24, from Nath Mitchel was read:[3]

*Ordered*, That it be referred to the Board of War.

The committee of the week made report; Whereupon,

*Ordered*, That a memorial of Daniel Clarke, attorney to Oliver Pollock, with the accounts and vouchers accompanying the same, be referred to the Committee of Commerce:

~~That that part of the memorial respecting advances made for the State of Virginia, with the account of the same, be referred to the delegates of that State.~~

*Ordered*, That a member be added to the said committee:

The member, Mr. [Edward] Telfair;

*Ordered*, That a petition of Captain J. P. Shott be referred to the Board of War.

The committee report, on a petition of Doct McCrea to be appointed surgeon of the ship *America*, "that such an appointment is unnecessary at present";

And on a letter of Jacob Johnston desiring to be appointed chaplain to the garrison at Wyoming, "that it is inexpedient to comply with this application":

[1] The original is in the *Papers of the Continental Congress*, Georgia, *Credentials of Delegates*.

[2] Washington's letter is in the *Papers of the Continental Congress*, 152, X, folio 249; it is printed in the *Writings of Washington* (Ford), IX, 359. Heath's is in the *Papers of the Continental Congress*, No. 157, folio 294; Schuyler's is in No. 153, III, folio 577.

[3] Lomagne's letter is in the *Papers of the Continental Congress*, No. 78, XIV, folio 495; Mitchell's is in No. 78, XVI, folio 243.

~~That the account of John M^cKinley for boarding Daniel Simon an Indian preacher be referred to the Superintendant of Finance.~~[1]

*Resolved,* That Congress agree to this report of the committee.

The committee to whom was re-committed the report on the petition of Thomas Savage;

The committee on the motion of Mr. [John] Mathews, together with the letters from Governor Trumbull and General Greene relative to the burning of New London and Georgetown, delivered in their respective reports.

That the United States in Congress assembled did on the day of October A. D. 1778, resolve, "that if our enemies persist in their present career of barbarity we will take such exemplary Vengeance as shall deter others from a like conduct." "We appeal to that God who searches the hearts of men for the rectitude of our intentions, and in his holy presence declare, that we are not moved by any light and hasty suggestions of anger or revenge, so through every possible change of fortune we will adhere to this our determination." The conduct of Britons alone could have produced such a determination, and their persisting in the most savage and barbarous acts impel the United States to execute this Resolution. The flourishing villages of Charlestown and Falmouth in Massachusetts, in the year 1775, Norfolk in Virginia in 1776, Kingston in New York in 1777, Bristol in Rhode Island and Bedford in Massachusetts in 1778, Fairfield and Norwalk in Connecticut in 1779, Springfield and Connecticut Farms in New Jersey 1780, and Georgetown in South Carolina and New London and Groton in Connecticut in 1781, have been consigned by these enemies of Mankind to wanton conflagrations! The ties of relatives have been dissolved by deliberate murder while the most sacred conditions have only tended to ~~embitter cruelty~~ enhance Barbarity! The nations of the earth render to bravery the tribute of honor and esteem, while Britons murder the Brave, when captives in their power! Justice has been delayed; but the most solemn of oaths joined to invincible necessity, demand retaliation.

[1] This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 32, folio 255. Schott's petition, dated September 25, 1781, is in No. 42, VII, folio 127; McCrea's petition is in No. 41, VI, folio 265; Johnson's letter, dated September 17, 1781, is in No. 78, XIII, folio 265.

The United States in Congress assembled do therefore resolve, that the War and Marine Departments ~~without delay~~ take order for the demolition of cities and villages in the Kingdom of Great Britain so as fully to retaliate for the destruction of the towns and villages before mentioned.

*Resolved*, That unless satisfaction be immediately made for the inhuman murder of the brave garrison of Fort Grinnell in the State of Connecticut, after surrendering prisoners of war on the 6th Instant either by consigning to public execution the principal officers concerned in that bloody massacre, or in such other way as shall ~~satisfy the claims of~~ fully appertain to justice, retaliation ~~shall~~ be had ~~in~~ by the execution of an adequate number of British officers and soldiers.

*Resolved*, If the British Army and Navy continue their present system of inhumanity in burning defenceless villages, or houses, or in murdering inoffensive citizens or prisoners of war, that the War and Marine Departments cause all persons taken in such acts of burning to be immediately consigned to the flames, or afterwards if captivated to be put to death ~~whenever in their power~~.[1]

On motion of Mr. [John] Mathews, seconded by Mr. [James Mitchell] Varnum,

*Ordered*, That Major General St. Clair pursue the orders of the Commander in Chief, the order of the 19th notwithstanding.

On motion of ~~Mr. Montgomery~~ delegates of Pensylvania:

*Ordered*, That a committee of three be appointed to confer with a committee of the honble the general Assembly of the Commonwealth of Pensylvania ~~on the trade and commerce of the United States.~~:

The members, Mr. [George] Clymer, Mr. [James Mitchell] Varnum, Mr. [James] Duane.

A report from the Board of War was read; Whereupon,

War Office *September 27th 1781.*

Sir,

Brigadier General Irwin having represented to the Board that it is impossible for him to proceed to Fort Pitt to take upon him the Command ordered by Congress for want of money, upon which the Board beg leave to submit the following resolutions (to wit).

[1] This report, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress*, No. 20, I, folio 275.

*Ordered*, That the Board of War draw a warrant on the paymaster general in favour of Brigadier General Irwine for three hundred and seventy-five dollars on account of his pay;

The Board further beg leave to observe that there is now in this City about fifty riflemen, who by their enlistments are to serve until the first of January next. If they are ordered to the Southward, it is probable they will not arrive at Head Quarters before the present operation will be over, should they go further South their times of service will expire before they will have time to render much service. From these circumstances the Board are of opinion this Corps cannot be better employed than to be ordered to Fort Pitt under the direction of Brigadier General Irwin. Should Congress agree to this Report the Board will give the necessary orders.[1]

*Ordered*, That the Board of War give the necessary orders respecting the riflemen mentioned in their report agreeably to what is suggested in the said report.

The ordinance respecting captures, being taken up for a third reading, a motion was made that a vote be taken on a particular paragraph, on which at the second reading a vote had been taken, and which by that vote had been established.

An objection being made to this motion as being out of order, the President called for the judgment of the house:

And the question being put, "is the motion in order?" passed in the negative.

Adjourned to 10 o'Clock to Morrow.

## FRIDAY, SEPTEMBER 28, 1781

A report from the Board of War was read; Whereupon,

*Resolved*, That it be and hereby is recommended to the State of New Hampshire to advance on account of the United States a sum equal to six months' pay and subsistance to Brigadier General Stark or his order.[2]

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 303.

[2] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 327.

On motion of Mr. [Roger] Sherman, seconded by Mr. [Daniel] Mowry,

*Resolved*, That it be, and hereby is recommended to the several states of which the general officers of the army are inhabitants, to settle with them for the depreciation of their pay, on the principles adopted in settlements with the officers of their respective lines.

A report of the Board of War on the letter, of 11, from Baron d'Arendt was read:

AT A BOARD OF WAR *September 27. 1781.*

The Board beg leave to report on the memorial of Baron de Arendt.

That the Baron is considered as out of service by the resolution of the 11th July 1781 and has his accounts settled up to the 1st January last, agreeable to the said resolution. If any sum is paid him in part of the balance due him, it will establish a precedent for claims to be exhibited by all officers, who have settled accounts and balances due. But as the Board have conceived that it was not practicable to pay moneys on these accounts and have constantly informed applicants of this their opinion, we cannot report in favor of the Baron's request and therefore conceive it proper for Congress to resolve,

That the Baron de Arendt be informed that the state of the public finances renders it inexpedient to comply with the request contained in his memorial of the 11th Instant.

If however Congress should be of opinion that the peculiar circumstances set forth in the memorial entitle the memorialist to be considered as an exception to any general Rule, we conceive that his request being founded on a settled account, and he being out of service, therefore not falling within the line of our department, it will be proper to direct,

That the memorial of the Baron de Arendt, be referred to the Superintendent of Finance to take such order thereon as the state of the public finances will admit.[1]

*Ordered*, That it be returned to the Board of War to take order.

Another report from the Board of War was read; Whereupon,

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 331.

AT A BOARD OF WAR *September 27th 1781.*

Present Mr Peters
General Cornell

The Board have been applied to by the Judge Advocate on the subject of the depreciation of his pay and that of his assistants and conceiving that the services of the Judge Advocate and his assistants having been constant and meritorious they are entitled to the same treatment in this respect with the officers of the Line. But although Congress agreed that the depreciation of the Pay of the Judge Advocate should be made up to him yet no notice was taken of his assistants nor was the mode of settling with them pointed out. The Board therefore take the liberty of reporting to Congress,

*Resolved*, That it be, and hereby is recommended to the states of which the judge advocate and his assistants are respectively inhabitants, to settle with them for the depreciation of their pay, on the principles adopted in settlements with the officers of their respective state lines.[1]

The delegates for Georgia laid before Congress:

A letter, of 28 August, from the governor of that State;

One, of 22 August, from the speaker of the Assembly; and

One, of 26 of the same month, from Sam[l] Stirk, which were read; also

A letter, of 28 August, from Jon. Bryan, was read:

*Ordered*, That they be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [Joseph] Montgomery, Mr. [Abraham] Clark.

Mr. [Elias] Boudinot laid before Congress the warrant drawn on Dr. J. Witherspoon, pursuant to the resolution of the 8 August, returned under protest, with sundry letters relative to the same.

*Ordered*, That the same be referred to a committee of three:

The members, Mr. [Samuel] Osgood, Mr. [Roger] Sherman, Mr. [John] Mathews.

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 311.

A report from the Board of War was read; Whereupon,

At a Board of War *September 27th 1781.*

The Board having taken into consideration the Memorial of William Massey late Deputy Commissary of Musters in the Southern Department, and are of opinion that he is entitled to the benefit of the resolution of Congress of the 12th January 1780.

That the Memorial of William Massey be referred to the Superintendent of Finance, who is hereby directed to order an adjustment of the Memorialist's account for pay due under the act of Congress of the 12th January 1780, as Deputy Commissary of musters, to the end that the sum due may be paid, when the state of the public finances will admit.

*Ordered,* That the memorial of William Massey be referred to the comptroller, in order that the accounts of the memorialist for pay due under the act of Congress, of the 12 January, 1780, as deputy commissary of musters, may be properly adjusted; and in the meanwhile that the Board of War draw an order on the paymaster in his favour for three months' pay.[1]

The committee ‖consisting of Mr. Bland, Mr. Sherman, Mr. Montgomery‖ to whom was referred the letter of ‖the 26th from‖ Major Lomagne delivered in a report; Whereupon,

*Ordered,* That the superintendant of finance ~~allow to~~ furnish Major de Lomagne, with a bill of exchange of one hundred and forty dollars, as a gratuity in addition to his pay, toward defraying the expences of his return to France.[2]

A report of the Board of War on the memorial of Mary Mathews;

Another on the memorial of the cloathier general; were read.

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folios 323 and 326.

[2] This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 19, III, folio 615.

WAR OFFICE *September 25th 1781*

SIR,

The Board have considered the memorial of the Cloathier General referred to them by Congress and beg leave to report the following resolutions.

That the salaries and allowancies in the Cloathiers department be as follows (to wit.)

Cloathier General 1500 dollars per annum three rations per day for himself and servant and forage for two horses.

Deputy Cloathiers with the Main and Seperate Armies 1050 dollars per annum, two rations per day and Forage for two horses each.

Assistants $900 per annum and two rations per day each.

Clerks in the department 440 dollars per Annum and one ration per day each.[1]

The report of the committee on the memorial of Thomas Savage was taken into consideration, and after debate the [question] being put to agree to the first resolution, passed in the negative, and the whole fell of course.

The report of the committee on the letters of Governor Trumbull and General Greene was taken into consideration, and sundry amendments being moved:

*Ordered*, That the said report and amendments be committed:

The members, Mr. [James] Madison, Mr. [Roger] Sherman, Mr. [Arthur] Middleton.

On motion of Mr. [James Mitchell] Varnum, seconded by Mr. [James] Madison,

*Resolved*, That the commissioners of the Board of War continue to exercise the duties appertaining to the war department, until the 1st day of November next, any former resolution to the contrary notwithstanding.

The committee, ||consisting of Mr. Atlee, Mr. Sharpe, Mr. Motte,|| to whom was referred the letter of Colonel Armand delivered in a report; Whereupon,

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 319. The indorsement says: Referred to the committee to confer with General Washington.

The Committee to whom was referred the letter of Col° Armand of the 21st inst, Report

That agreeable to the order of Congress they have conferred with the Superintendant of Finance upon the subject of the said letter, and are of opinion

*Resolved*, That the superintendant of finance take order for the payment of the sum of ninety pounds sterling advanced to Colonel Armand by the governor of Massachusetts, and for six hundred and sixty dollars specie for the payment of eight horses purchased by Colonel Armand, to enable him to proceed to Philadelphia, for which several sums Colonel Armand is to be accountable:

~~Colonel Armand having fully complied with his contract entered into with the Board of War,~~ your Committee further propose,

That the Board of War, in conjunction with the superintendant of finance, take order for the recruiting and mounting Colonel Armand's legion to its establishment.[1]

A letter, of 25, from Sam! Patterson, commissioner of the continental loan office for the State of Delaware, was read:

*Ordered*, That it be referred to the superintendant of finance to take order.

Adjourned to 10 o'Clock to Morrow.

## SATURDAY, SEPTEMBER 29, 1781

A letter, of 25, from Major General Heath;

A letter, of this day, from James Jay, were read.[2]

A report of the Board of War on a petition of J. P. Shott, was read:

WAR OFFICE *September 28th 1781*

The Board have considered the memorial of Capt. John Paul Schott referred to them by Congress and beg leave to observe that

[1] This report, in the writing of Samuel John Atlee, is in the *Papers of the Continental Congress*, No. 19, I, folio 87.

[2] Heath's letter is in the *Papers of the Continental Congress*, No. 157, folio 302; Jay's is in No. 78, XIII, folio 273.

this Gentleman's accounts both for depreciation and pay were settled by Mr Stowell auditor to the army on the 19th of April last up to the first of January 1781. At which time he was deranged by the last reform of the army. The balance found due is 2024 dollars specie.

As this Gentleman is now out of service his request respecting rank is totally inadmissible. His accounts being fully settled, we consider the propriety of making payment of any part of the balance due to him, and all others under similar circumstances to depend solely on the state of our Finances of which we are not competent judges.[1]

*Ordered,* That it be returned to the Board to take order.

On motion of Mr. [George] Partridge, seconded by Mr. [Elias] Boudinot:

*Resolved,* That the superintendant of finance take order for the payment of five hundred dollars to Major General St. Clair on account of his pay, that he may be enabled to proceed on the duties of his command.

A report from the Board of War on the memorial of Major Mitchel was read; Whereupon,

AT A BOARD OF WAR *September 28th 1781.*

Present Mr Peters
General Cornell

The Board have considered the memorial of Major Mitchell referred to them by Congress and beg leave to observe that this Gentleman previous to his application to Congress called on the Board who after fully investigating the matter informed him that his request was inadmissible as the horses lost were neither killed nor wounded in action, which are the only cases provided for by the resolutions of Congress of the 8th of January and 29th of November 1780. The Board see no reason to make an exception from the general established rule in this Gentleman's case.

Therefore report,

*Resolved,* That it is inexpedient to comply with the request of Major Mitchel contained in his memorial of the 24 instant.[2]

[1] This report is in the *Papers of the Continental Congress,* No. 148, II, folio 335.

[2] This report is in the *Papers of the Continental Congress,* No. 148, II, folio 307.

The report of the committee on the letter, of 16 August, from James Jay, was taken into consideration, and passed in the negative.

*Ordered*, That the report of the committee on the report of the Board of War on General Greene's letter, of 23 June;

The Committee to whom was referred the report of the Board of War of the 10th instant on the letters from General Green and Lt Col. Lee,

Report,

That General Green be and he is hereby authorized to arrange and equip Col. Lee's Legionary Corps agreeable to the plan proposed in his letter of the 20th June 1781 so far as may be in his power.

That the Board of War be directed to deliver such arms and accoutrements for equipping said Corps as can be spared from the military stores, and that they with the Superintendent of Finance take order with respect to providing such other articles as may be necessary.[1]

The report of the Board of War on Brigadier General Thompson's letter; and

The report of the committee on the letter, of 2d August, from General Washington; and

The report of the committee on the letter, of 20 July, from the superintendant of finance; be filed in the office.

*Ordered*, That the consideration of the report of the committee on the memorial of sundry merchants of New York and Massachusetts, and the memorial of sundry inhabitants of the State of Pensylvania, be postponed.

A letter, of 28, from the honble the Minister Plenipotentiary of France, was read.

The report of the committee, ||consisting of Mr. Mathews, Mr. Boudinot, Mr. Varnum, Mr. Atlee,|| on the letter of 16 August from Brigadier General Moultrie was taken into consideration; and Thereupon,

[1] This report, in the writing of Thomas Bee, is in the *Papers of the Continental Congress*, No. 19, II, folio 467.

The Committee to whom was referred the letter of Brigadier Gen[l] Moultrie of the 16[th] ultimo with the memorial of the Officers of the S[o] Carolina and Georgia lines

Further Report,

That from the peculiar hardships under which those Officers at present labour, being deprived of the least support from their respective States and their own estates being in the hands of the enemy, their only dependance for relief rests altogether with Congress. Their case being so far distinguished from Officers of the other lines, that the latter are supplyed with cloathing and other necessaries from their respective States, and as thay ask for nothing more than a part of their pay, which is justly due to them—your Committee are of opinion that three months' pay should be immediately ordered them ~~out of the monies brought by Col. Laurens~~. Therefore beg leave to recommend the following resolution:

*Resolved*, That the Financier cause to be paid to each of the memorialists three months' pay ~~out of the monies committed to his charge by the resolution of the 4[th] day of this instant, or out of any other monies in his hands~~ upon their warrants received from the Board of War.[1]

*Resolved*, That the superintendant of finance enable the paymaster to discharge the warrants drawn on him by virtue of the resolution of the 13 day of August last, by advancing three months real pay to each of the officers therein mentioned.

Adjourned to 10 o'Clock on Monday.

## MONDAY, OCTOBER 1, 1781

A letter, of this day, from Mr. [William] Sharpe, was read; Whereupon,[2]

*Ordered*, That the sum of three hundred and fifty dollars be advanced to Mr. W[illiam] Sharpe, delegate for the State of North Carolina, and charged to the said State.

[1] This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 19, IV, folio 465.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XXI, folio 133.

A letter, of 28 September, from the superintendant of finance, was read:[1]

*Ordered*, That it be referred to a committee of three:

The members, Mr. [George] Clymer, Mr. [Samuel] Osgood, Mr. [John] Hanson.

A letter, of 23 September, from General Washington; and

One, of 27 September, from Major General Heath; were read.[2]

A letter, of 17 September, from R. R. Livingston, was read, accepting the office of Secretary for Foreign Affairs.

A letter, of 29 September, from Francisco Rendon; and

One, of 31 July, from O. Pollock; were read.[3]

The committee of the week was elected:

Mr. [Jonathan] Elmer, Mr. [Arthur] Middleton, Mr. N[oble] W[imberly] Jones.

The committee to whom was re-committed part of their report respecting Major Nicholas' memorial; and

The Committee to whom was referred that part of the report respecting Major Nicholas's memorial. Report

That Major Nicholas in Novem[r] 1775 entered in to the service of these United States in the capacity of a Capt of Marines, in the Fleet commanded by Commodore Hopkins and was on board his Ship as the oldest Officer of Marines. In June 1776 he was sent by the Commodore with dispatches to Congress when he had a Majority conferred on him, and directed by the Marine Committee not to return to the Fleet, it being necessary for him to remain in Philadelphia to discipline the marines then raising for the Frigates on the stocks. In December following he was ordered to march with three companies of marines to the Jerseys to be under His Excellency the Commander in Chief, and continued in the field until the men's time of enlistment expired. Since that time Major Nicholas has not had any command

[1] This letter is in the *Papers of the Continental Congress*, No. 137, I, folio 173.

[2] Washington's letter is in the *Papers of the Continental Congress*, No. 152, X, folio 253; Heath's is in No. 157, folio 306.

[3] Rendon's letter is in the *Papers of the Continental Congress*, No. 78, XIX, folio 391; Pollock's is in No. 50, folio 265.

equal to his rank, but has ever since as the service required been called upon by the Marine Committee and Board of Admiralty whose orders as well verbal as written he has constantly executed and received pay till the month of July 1780 and not any since.

From the state of the foregoing facts it is the opinion of your Committee, That the Paymaster to the Navy Board be directed to settle Major Nicholas' account to the 25th of August last and pay the balance that may be due to him.[1]

## The committee to whom were referred the several papers concerning retaliation; delivered in their several reports.

The Committee to whom was referred the several papers concerning retaliation recommend the following

Manifesto:

The United States in Congress assembled taking into their serious consideration the various scenes of barbarity by which the present war has from its beginning been characterized on the part of the British arms, and the perseverance of the British Commanders in carrying into execution the sanguinary and vindictive denunciations of the Commissioners of their King in their manifesto of the — day of ——— by a redoubled licentiousness in burning our towns and villages, desolating our Country, and sporting with the lives of our captive citizens, notwithstanding the multiplied warnings and the humane example which have been placed before them, and judging it inconsistent with the dignity of the United States with the just expectations of the people thereof, and with the respect due to the benevolent rules by which civilized nations have tempered the severities and evils of war, any longer to suffer these rules to be outrageously violated with impunity, have resolved and do hereby order that the Commander in Chief, and the Commanding officers of separate Departments, cause exemplary retaliation to be executed on the enemy for all acts of cruelty committed by them against the citizens and inhabitants of these States And whereas it is essentially and particularly necessary that the barbarous and savage practice of destroying by fire the towns and villages of these United States, should be restrained by means more immediately within our power, than a specific retal-

[1] This report, in the writing of Daniel of St. Thomas Jenifer, is in the *Papers of the Continental Congress*, No. 19, IV, folio 533.

iation on the towns and villages belonging to the enemy, and it is even more consonant to the spirit of justice and humanity that such as have made themselves instruments for these incendiary purposes should be the objects of vengeance than the remote and unoffending inhabitants of such towns and villages. The United States in Congress assembled have further *Resolved*, and do hereby *declare*, that British officers now prisoners to the American arms, or which may hereafter be made prisoners shall answer with their lives, for every further destruction by fire of any town or village, within any one of the U. States which shall be made by the enemy contrary to the laws of war observed among civilized nations, and the Department of War is hereby ordered to cause all the officers in the service of the King of G. B. now in their custody to be duly secured, and on the first authentic notice of the burning of any town or village in any one of the U. States unauthorized by the laws of war to cause such and so many of the said officers as they shall judge expedient to be put to instant death.

Done at Philadelphia &c. &c.[1]

On motion of Mr. [Roger] Sherman, seconded by [Mr. James Mitchell] Varnum,

*Resolved*, That if an officer of the army shall be appointed secretary at war, he shall retain his rank in the army, but his pay and other emoluments as an officer shall be discontinued while he acts as secretary at war.

On motion of Mr. [Roger] Sherman, seconded by Mr. [Daniel] Mowry,

*Resolved*, That the resolution of the 9th day of February, so far as relates to the salaries of a secretary at war and a secretary of marine, be, and it is hereby repealed; and that the salary of each of those officers be four thousand dollars specie per annum.

Adjourned to 10 o'Clock to Morrow.

[1] This report, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 19, III, folio 421. On December 3, 1781, it was referred to the committee appointed to confer with the Commander in Chief, as the indorsement shows.

## TUESDAY, OCTOBER 2, 1781

A report from the committee of the week was read; Whereupon,

The Committee of the week report,

That the petition of Daniel Hester Junr that Loan Office Certificates may be granted him for money lent to the United States, with the vouchers accompanying the same be referred to the Comptroler ~~of Finance~~ to take order thereon.

That the application of Joseph Allen to be employed in the public service be referred to the Board of War.

That the letter of George Melven A. D. Q. M. General to the President of Congress, dated October 1st 1781, with his accounts Current against the United States, and papers enclosed, be referred to the Comptroller ~~of Finance~~ for settlement.[1]

*Ordered,* That a petition of Daniel Hester be referred to the comptroller to take order;

That a letter, of 1, from George Melvin, with the accounts enclosed, be referred to the comptroller for settlement; and

That an application of Joseph Allen be referred to the Board of War.

A letter of 1, from the superintendant of finance, was read, with sundry papers enclosed, stating his proceedings in the execution of the secret service committed to him, and informing that the vessels in which he had remitted sundry bills for account of the United States, had been captured by the enemy, in consequence of which, fearing the bills might have fallen into the enemy's hands, he had written to Mr. Jay, on whom the bills were drawn, and desired him to protest them in case of their being presented;[2] Whereupon,

[1] This report, in the writing of Jonathan Elmer, is in the *Papers of the Continental Congress*, No. 32, folio 259. Joseph Allen's application, dated September 18, 1781, is in No. 78, I, folio 405.

[2] This letter is in the *Papers of the Continental Congress*, No.137, I, folio 183.

*Ordered*, That the President inform the superintendant of finance, that Congress approve his conduct, and are well satisfied with his attention to the public interest in directing the protest of the bills.

A report from the Board of War was read; Whereupon,

*Resolved*, That the Board of War be and hereby are authorised to draw a warrant on the paymaster general in favour of Captain Archer of Lieutenant Colonel Lee's legion, for one hundred and fifty dollars specie, equal to three months' pay and subsistance, for which sum he is to be accountable.

Captain Archer is commissioned a Cornet in Colonel Lee's Legion, but is entitled to the pay of Captain of Infantry by the resolution of the 24th Sepr 1779.[1]

The report of the committee to whom were referred the cessions of lands by the States of Virginia, New York and Connecticut and the memorial of the Ilionois and Wabash Companies, was taken into consideration, and after debate:

*Ordered*, That the same, together with the papers formerly committed, be referred to a new committee:

The members, Mr. [Elias] Boudinot, Mr. [James Mitchell] Varnum, Mr. [Daniel of St. Thomas] Jenifer, Mr. T[homas] Smith, Mr. [Samuel] Livermore.

Adjourned to 10 o'clock to Morrow.

## WEDNESDAY, OCTOBER 3, 1781

A letter, of 29 September, from Major General Heath, was read.[2]

A letter, of 16 May; one of 11 July, one of 14 and one of 15 of the same month, and one of 3 of August, from the honble John Adams;

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 339.

[2] This letter is in the *Papers of the Continental Congress*, No. 157, folio 310.

A letter, of 20 May, from the hon$^{ble}$ F. Dana;[1]

One, of May 4, from J. de Neuville;

One, of July 4, from Mr. Dumas; and

One, of 24 September, from the governor of Massachusetts.[2]

A report of the committee of the week was read; Whereupon,

*Ordered*, That a letter, of 3, from Nath Mitchell be referred to the Board of War;

That a petition of James Nugent be referred to superintendant of finance to take order.[3]

A report from the Board of War respecting Colonel Webb, was read:

WAR OFFICE *October 3$^{rd}$ 1781.*

SIR,

The Board have been applied to by Col. Samuel Webb for a flag to proceed by water from Brunswick in the State of New Jersey to Weathersfield in the State of Connecticut for the purpose of removing M$^{rs}$ Webb, who is in a bad state of health and desirous of a change of air, and gentle sailing for her recovery. The Colonel's Request is supported by D$^{r}$ Jones's Certificate which is enclosed. The Board have taken the liberty to state this subject to Congress as they see no impropriety in granting the request, should the enemy condescend on their part to grant the same, if they do not the whole affair will be laid aside. Should Congress agree that a flag be granted, and refer this report to the Board of War to take order, they will make out the proper passports.[4]

*Ordered*, That it be returned to the Board to take order.

Adjourned to 10 o'Clock to Morrow.

[1] Adams's letter of May 16 is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 419; that of July 11, on page 560; July 14, on page 574; July 15, on page 575; August 3, on page 619; Dana's letter of May 20 is on page 424.

[2] The Massachusetts letter is in the *Papers of the Continental Congress*, No. 65, II, folio 147.

[3] This report, in the writing of Jonathan Elmer, is in the *Papers of the Continental Congress*, No. 32, folio 261. Mitchell's letter is in No. 78, XVI, folio 249.

[4] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 343.

## THURSDAY, OCTOBER 4, 1781

Mr. Benjamin Hawkins, a delegate for the State of North Carolina, attended, and produced the credentials of his appointment, which were read in the words following, to wit:

THE STATE of North Carolina to William Sharpe Samuel Johnston Ephraim Brevard and Benjamin Hawkins esquires

Whereas it appears on Record that you the said William Sharpe, Samuel Johnston, Ephraim Brevard and Benjamin Hawkins at a Session of the General Assembly held at Wake Court House in the said State in the Months of June and July in this present Year were each of you duly elected Delegates for one Year to represent the said State in the Congress of the United States of America: that is to say you the said William Sharpe, Samuel Johnston and Ephraim Brevard on the twelfth day of July and you the said Benjamin Hawkins on the Fourteenth day of the same month.

THESE are therefore to make known, that you the said William Sharpe, Samuel Johnston, Ephraim Brevard and Benjamin Hawkins or any two or more of you are fully and duly authorised as Delegates to represent the said State for one year from the date of your Election when and wheresoever the said United States shall assemble or be assembled in Congress, and to advise, confer, debate, resolve and determine for and in behalf of the said State upon all matters and things which shall come before the said United States in Congress assembled agreably to the Articles of Confederation and Perpetual Union made and ratified between the said United States and not inconsistent with the Constitution and Laws of the Said State of North Carolina.

WITNESS Thomas Burke esquire, Governor, Captain General and Commander in Chief of the Said State under his Hand and the Great Seal of the Said State at Williamsborough in the County of Granville the thirteenth day of August Anno Dom 1781, and in the Sixth Year of our Independence.

THO$^{S}$ BURKE

By His Excellency's Command
Jn$^{o}$. HUSKE, *Secretary.*

[With the Great Seal appendant][1]

[1] The original is in the *Papers of the Continental Congress*, North Carolina, *Credentials of Delegates.*

A letter, of 7 September [August], from the governor of North Carolina, was read, enclosing an act passed by the legislature of that State, in pursuance of the resolution of Congress of 3 February last, empowering Congress to levy a duty of five per cent. on all imports and prizes.[1]

A memorial of Captain J. P. Shott was read:

*Ordered,* That it be referred to the Board of War.

A letter, of 3, from Brigadier Irwine was read.[2]

The committee of the week made a report; Whereupon,

*Ordered,* That a letter, of 2, from John Wereat, with his accounts against the late Marine Committee accompanying it, be referred to the ~~Board of War~~ Superintendant of Finance.[3]

A report of the Board of War on the memorial of Captain Lieutenant A. Hoops, was read; Whereupon,

AT A BOARD OF WAR *October 3rd 1781.*

Present Mr Peters
General Cornell

The Board have considered the memorial of Captain Lieutenant Adam Hoops and beg leave to state to Congress that this Gentleman's request for a particular exchange is inadmissible in the opinion of the Board. As to his desire to have a furlough to go to France for the improvement of his mind by the acquisition of military knowledge, the Board submit the matter entirely to Congress, with these observations, that permission has been granted to several officers to go beyond Sea for the recovery of their health; but to none for their education, or the improvement of their fortune. The danger of capture has been an obstacle to the compliance with their request; but this is obviated in the case of Captain Hoops, who is already a prisoner, and has permission from the enemy to go to any part of the world, not within twelve miles of any British Post. If Congress

[1] This letter is in the *Papers of the Continental Congress,* No. 72, folio 123.

[2] Schott's memorial is in the *Papers of the Continental Congress,* No. 41, IX, folio 185; Irvine's letter is in No. 78, XIII, folio 277.

[3] This report, in the writing of Jonathan Elmer, is in the *Papers of the Continental Congress,* No. 32, folio 263.

should be of opinion that the precedent established by granting Captain Hoops's request will not open a door for applications from officers unemployed to go to sea for mere personal purposes, and give rise to complaints, from those who remain in the way of duty, they will please to direct,

*Resolved,* That Captain Lieutenant Adam Hoops, have leave to go to France until exchanged, ~~retaining his rank~~ his pay and rations to be suspended during his absence.

Captain Lt. Hoops is very low on the list of prisoners, and it is not very probable he will be speedily exchanged.[1]

Adjourned to 10 o'Clock to Morrow.

## FRIDAY, OCTOBER 5, 1781

A memorial from John Fanning and others, late officers on board the *Trumbull* frigate, and now prisoners on Long Island, was read:

*Ordered,* That it be referred to the superintendant of finance.

A letter, of 5, from T. Barclay, was read; Whereupon,

*Resolved,* That a consul be appointed to reside in France in the room of W. Palfrey:

Congress proceeded to an election; and, the ballots being taken, Thomas Barclay was elected, having been previously nominated by Mr. [Joseph] Montgomery.[2]

N. B. In consequence of the above appointment, a commission was made out in the form of that to W. Palfrey, *mutatis mutandis.*

A report from the Board of War was read; Whereupon,

*Resolved,* That the Board of War be authorised to draw a warrant on the paymaster general in favour of Lieutenant Herbert of the sixth Pensylvania regiment for thirty-one

[1] This report is in the *Papers of the Continental Congress,* No. 148, II, folio 347.

[2] This election was also entered in the manuscript Secret Journal, Foreign Affairs. The following paragraph was entered only in the Secret Journal.

dollars and two-thirds of a dollar being one month's pay and subsistance for which he is to be accountable.[1]

A motion was made by Mr. [Joseph] Montgomery, seconded by Mr. [Roger] Sherman,

That the supreme executive powers of Pensylvania and Delaware respectively, be desired to discharge all, or as many as they may think proper, of their militia now in service, taking proper and effectual measures that they may be in readiness to assemble again without delay if necessary.

On which the yeas and nays being required by Mr. [James Mitchell] Varnum,

| | | |
|---|---|---|
| [*New Hampshire*, | | |
| Mr. Livermore, | ay | * |
| *Massachusetts*, | | |
| Mr. Lovell, | ay | |
| Partridge, | ay | ay |
| Osgood, | ay | |
| *Rhode Island*, | | |
| Mr. Mowry, | ay | |
| Varnum, | no | div. |
| *Connecticut*, | | |
| Mr. Sherman, | ay | * |
| *New York*, | | |
| Mr. Duane, | ay | |
| L'Hommedieu, | ay | ay |
| *New Jersey*, | | |
| Mr. Clark, | no | |
| Boudinot, | ay | ay |
| Elmer, | ay | |
| *Pennsylvania*, | | |
| Mr. Montgomery, | ay | |
| Atlee, | ay | |
| Clymer, | ay | ay |
| T. Smith, | no | |
| *Delaware*, | | |
| Mr. McKean, | ay | * |
| *Maryland*, | | |
| Mr. Carroll, | ay | |
| Hanson, | ay | ay |
| *Virginia*, | | |
| Mr. Madison, | ay | |
| Bland, | ay | ay |
| Randolph, | no | |
| *North Carolina*, | | |
| Mr. Hawkins, | no | * |
| *South Carolina*, | | |
| Mr. Mathews | no | |
| Bee, | no | |
| Middleton, | no | no |
| Motte, | no | |
| Eveleigh, | ay | |

So the motion was lost.][2]

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 351.

[2] The portion in brackets was entered by George Bond.

The committee to whom were referred a report of the Board of War and the memorials of several officers respecting the depreciation of their pay; and

The Committee to whom was referred a report of the Board of War, and the Memorials of several Officers, respecting the depreciation of their pay, report the following Resolutions.

Whereas the resolutions of Congress for making good the depreciation of pay to Officers and Soldiers in the service of the United States, extend only to the line and Medical Staff in actual service at the time of passing the said resolutions, and whereas some that had served faithfully and were honorably discharged before that time may be equitably entitled to some compensation on account of the depreciation of their pay, and some others have been a great part of the time they were in office, absent from duty and at liberty to attend to their own private affairs, and have not been greater sufferers by the depreciation of the currency than their fellow citizens in general, therefore that equity may be done to all as far as possible,

*Resolved*, That it be recommended to the several States, to enquire into the claims of such of their citizens, as have served the United States in the line of the Army, the general hospital, as Physicians or Chaplains or in any of the Staff departments on fixed daily or monthly pay since the 1st day of Sept$^{r}$ 1777 until honorably discharged, who are not provided for by any former resolution; and make them such compensation for the depreciation of their pay ~~at the expense of the said States respectively~~ as on consideration of their services, the times of fixing their pay, and the allowances that have been made them, in money, provisions or clothing, they shall severally appear to merit and be equitably entitled to, ~~charging the same to the United States.~~[1]

The Committee on the Post Office, delivered in their several reports.

Adjourned to 10 o'clock on Monday.

[1] This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 27, folio 145. It is in the list of postponed reports in No. 31, folio 371.

## MONDAY, OCTOBER 8, 1781

A letter, of 3, from Major General Heath; and
One, of 2, from W. C. Houston;[1] and
One, of from Mr. Dumas, were read.

On motion of Mr. [John] Mathews, seconded by Mr. [Roger] Sherman,

*Ordered,* That a committee of three be appointed to take order respecting the safe keeping of the papers in the several offices of the treasury, until the officers elected under the new arrangement shall have qualified and entered on the duties of their office: the members, Mr. [Roger] Sherman, Mr. [Samuel] Osgood, Mr. [John] Mathews.

The committee of the week was elected:

Mr. J[oseph] Jones, Mr. [Benjamin] Hawkins, Mr. [Roger] Sherman.

*Ordered,* That the papers relative to the brigantine *Neptune,* said to have been sunk in the harbour of Charlestown for the defence thereof, be referred to the superintendant of finance.

A report from the Board of War was read, on the memorial of Nathaniel Mitchel, late a major in one of the 16 battalions, which by the act of 3 October, 1780, were reduced on the 1st of January last; and,

AT A BOARD OF WAR *Oct. 6. 1781.*

Present Mr Peters
General Cornell

The Board have considered the memorial of Major Mitchell referred to them by Congress. As his Case is attended with several singular circumstances, they beg leave to state the facts, lest any previous steps being taken should establish a precedent contrary to the intentions of Congress.

This Gentleman was a Major of one of the 16 battalions commanded by Col. Grayson. In the Spring, 1779, this Regiment was consolidated

[1] Heath's letter is in the *Papers of the Continental Congress,* No. 157, folio 316; Houston's is in No. 78, XII, folio 183.

into another of the sixteen commanded by Col. Gist, which still continued an additional Regiment, unconnected with the Line of any particular State The Regiment was captured at the fall of Charlestown at which time the memorialist was in Virginia, and some part of the time since he has served as a Brigade Major and Inspector to General Muhlenburg, and considered himself in service in consequence of his original appointment, until the 10th day of May 1781 when he was taken prisoner at Richmond and signed his Parole as Major, notwithstanding the Resolution of Congress of the 3rd of October 1780. to which we beg leave to refer Congress.

This being the State of facts we do not think ourselves justifiable in requesting a warrant in favor of the memorialist, as it appears by the before recited resolution that he was out of service on the first day of January 1781. Yet as he pleads he was unacquainted with the said resolution, and continued in service contrary to his inclination it seems hard he should receive no pay for his services. Neither in the opinion of the Board will the difficulty end here. They conceive the enemy will demand his Exchange as a Major in Continental Service in consequence of his parole, when it appears by the aforesaid resolution that he was a Citizen at the time of his Capture.

Should Congress be of opinion from the foregoing state of facts, that the memorialist from his particular situation is entitled to pay since the 1st day of January 1781, it may be proper to resolve,

That a warrant issue upon the Paymaster General in favor of Nathaniel Mitchell Esq. for two months' pay and subsistence on account of his services while doing the duty of Brigade Major and Inspector to General Muhlenberg's Brigade in Virginia.[1]

On the question, that a warrant issue in his favor for two months' pay on account of service performed since the 1st of January, the votes being taken, it passed in the negative.

A letter, from Robert Stark, detained a prisoner in Charlestown, was read; Whereupon,

On motion of Mr. [Nicholas] Eveleigh, seconded by Mr. [Theodorick] Bland,

*Ordered*, That Major General Greene enquire of the British commanding officer in South Carolina, the reasons why Mr. Robert Stark has been excluded from the benefits of exchange,

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 353.

to which every American citizen as well as soldier, prisoner of war in the southern district, was entitled by the general cartel agreed on between the two commanders of that district. And if the commanding officer shall not make any answer to his requisition within a reasonable time, or shall allege such reasons as shall appear to be unfounded or unsatisfactory, that Major General Greene take the necessary measures for retaliation.

~~immediately to order a British officer to be kept in strict confinement and to be treated in every respect as far as circumstances will allow in the same manner in which Mr. Robert Stark shall be treated.~~[1]

A report from the committee of the week was read; Whereupon,

The Committee of the Week Report,

That the Letter of Col$^{o}$ O'Neill on the subject of his pay and depreciation, and the letter of Cap$^{t}$ Jacob Schreiber requesting his arrears of pay, be referred to the Board of War:

That the Memorial of Josiah Powell respecting the payment of money due on Loan Office Certificates be referred to the Superintendant of Finance,

That the Letter of Geo: Melven, respecting the settlement of his accounts be referred to the Comptroller of Accounts.

~~That the Letter signed "Jacob Johnson, Preacher of the Gospel at Wyoming" soliciting some support for himself and family be referred to the Board of War.~~

And that the memorial of James Hopkins praying Congress to grant him a premium for inventing a machine to cut wire for cotton and wool cards with the Certificates enclosed be referred to a special Committee.[2]

*Ordered*, That a letter of Mr. O'Neill be referred to the Board of War;

That a memorial of Josiah Powell be referred to the superintendant of finance;

[1] This motion, in the writing of Nicholas Eveleigh, is in the *Papers of the Continental Congress*, No. 36, I, folio 221.

[2] This report, in the writing of Jonathan Elmer, is in the *Papers of the Continental Congress*, No. 32, folio 265.

That a petition of Jacob Schreiber be referred to the Board of War;[1]

That a letter of George Melven be referred to the comptroller; and

That a memorial of James Hopkins be referred to a committee of three:

The members, Mr. [George] Clymer, Mr. [Abraham] Clark, Mr. [Daniel] Carroll.

*Ordered,* That two members be added to the committee on the report of the Board of Treasury on the memorial of Alexander Heguy, in the room of Mr. [William] Sharpe and Mr. [George] Walton, who are absent:

The members, Mr. [Edward] Telfair, Mr. [Benjamin] Hawkins.

The committee to whom was referred the letter, of 28 September, from the superintendant of finance, delivered in a report.

Your Committee to whom was referred the letter of the 28th of September from the Superintendant of Finance beg leave to submit the following Resolutions

*Resolved,* That the Certificates to be given in Consequence of the Resolution of the third of July last for Bills drawn by Genl Lincoln be dated on the first Day of the present Month and bear six per cent interest. That the said Bills be considered as due at forty Days from the Day of their respective Dates. That Interest be calculated at Six per Cent on the real Value of the said Bills from the Period when due as aforesaid untill the said first Day of October. And that the same be added to the principal sum due and be together included in one Principal Sum in the said Certificates.

*Resolved,* That the Bill drawn on the third of September last by Genl Lincoln in favor of John Owen be considered as due on the nineteenth Day of April last being forty Days from the Date of the last Charge in the Account of the said John Owen on which the said Bill is founded.[2]

[1] O'Neill's letter is in the *Papers of the Continental Congress*, No. 78, XVII, folio 345; Schreiber's petition, dated October 4, 1781, is in No. 42, VII, folio 131.

[2] This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 19, IV, folio 335.

Mr. Jefferson having declined the appointment, a motion was made by Mr. [John] Mathews, seconded by [Mr. Edmund] Randolph,

That Thursday next be assigned for electing a minister plenipotentiary to negotiate &c. in the room of Mr. Jefferson, who has declined the appointment, and on the question, the yeas and nays being required by Mr. [John] Mathews,[1]

| | | | | | |
|---|---|---|---|---|---|
| *New Hampshire,* | | | *Delaware,* | | |
| Mr. Livermore, | no | * | Mr. McKean, | ay | * |
| *Massachusetts,* | | | *Maryland,* | | |
| Mr. Partridge, | ay | div. | Mr. Hanson, | ay | ay |
| Osgood, | no | | Carroll, | ay | |
| *Rhode Island,* | | | *Virginia,* | | |
| Mr. Mowry, | no | no | Mr. Jones, | ay | ay |
| Varnum, | no | | Madison, | ay | |
| *New York,* | | | Bland, | ay | |
| Mr. Duane, | ay | div. | Randolph, | ay | |
| L'Hommedieu, | no | | *North Carolina,* | | |
| *New Jersey,* | | | Mr. Hawkins, | ay | * |
| Mr. Clark, | no | no | *South Carolina,* | | |
| Boudinot | ay | | Mr. Mathews, | ay | ay |
| Elmer, | no | | Bee, | ay | |
| *Pennsylvania,* | | | Middleton, | no | |
| Mr. Montgomery, | ay | ay | Motte, | ay | |
| Atlee, | ay | | Eveleigh, | ay | |
| Clymer, | ay | | *Georgia,* | | |
| T. Smith, | ay | | Mr. Telfair, | ay | ay |
| | | | N. W. Jones, | ay | |

So the question was lost.

Adjourned to 10 o'Clock on Wednesday.

[1] This motion and the vote upon it were entered only in the More Secret Journal.

## WEDNESDAY, OCTOBER 10, 1781

A letter, of 4, from Major General Heath was read, with sundry papers enclosed respecting the reduction of a fort belonging to the enemy on Long Island:[1]

*Ordered*, That the same be referred to the Committee of Intelligence.

A letter, of this day, from G. Walton, was read:[2]

*Ordered*, That it be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [Joseph] Montgomery, Mr. [Abraham] Clark.

The committee of the week made report; Whereupon,

*Ordered*, That a petition of Major Andrew Brown respecting his pay be referred to the Board of War;

That a petition of Thomas Wood be referred to the Board of War;[3]

That the petition of Donald Campbell praying for a reconsideration of a resolve of Congress of the 20th of June last respecting his accounts be read in Congress.[4]

That a petition of Donald Campbell be referred to a committee of three:[5]

The members, Mr. [James Mitchell] Varnum, Mr. [Edmund] Randolph, Mr. [Joseph] Montgomery.

The committee appointed to confer with the Commander in Chief, the Board of War and the superintendant of finance on the number and arrangement of the army for the next campaign delivered in a report:

*Ordered*, That to Morrow be assigned for the consideration thereof.

[1] This letter is in the *Papers of the Continental Congress*, No. 157, folio 320.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 339.

[3] Brown's petition, dated October 8, 1781, is in the *Papers of the Continental Congress*, No. 42, I, folio 264; Woodd's is in No. 42, VIII, folio 235.

[4] This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 32, folio 267.

[5] This petition is in the *Papers of the Continental Congress*, No. 41, II, folio 377.

A motion was made by Mr. [Edmund] Randolph, seconded by Mr. [James] Madison, respecting British property found on board neutral vessels and destined for any port of the United States:

*Ordered*, That it be referred to the committee appointed to confer with a committee of the General Assembly of Pensylvania.

Adjourned to 10 o'Clock to Morrow.

## THURSDAY, OCTOBER 11, 1781

A report from the Board of War was read; Whereupon,

AT A BOARD OF WAR *October 10th 1781.*

Agreed to Report to Congress,

*Ordered*, That the Board of War draw a warrant on the paymaster general in favour of Captain John Doyle of the 6th Pensylvania regiment for fifty dollars equal to one month's pay and subsistance, for which sum he is to be accountable.

Captain Doyle was dangerously wounded in the late engagement under General Wayne and is deprived of the benefits of the act of the 2nd August last, by his having received three months nominal pay at the time he marched to Virginia. He is not yet recovered of his wounds, and his particular situation calls for the assistance of the public.[1]

Mr. [Thomas] Bee laid before Congress a letter, of 17 September, from J. Seagrove, which being read:[2]

*Ordered*, That it be referred to a committee of three:

The members, Mr. [Daniel] Carroll, Mr. [Joseph] Jones, Mr. [John] Mathews.

The committee of the week made report; Whereupon,

The Committee further report,

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 365.

[2] This letter is in the *Papers of the Continental Congress*, No. 50, folio 175.

That Colonel Humpton's letter with a letter enclosed from several officers of the Pennsylvania line respecting their pay be referred to the Board of War.

That Captain George Melvin's letter respecting pay for certain horses lost in public service be referred to the Board of War.[1]

*Ordered*, That a letter, of 10, from Colonel R. Humpton; and

One, of 10th, from G. Melven, be referred to the Board of War.

The committee on the motion of Mr. [Edmund] Randolph, of 27th August;

The committee on the letter, of 25 August, from the governor of New York;

The Committee to whom was referred the letters of Gov. Clinton with the papers accompanying the same Report,

That whereas the inhabitants of sundry places being citizens of these United States but within the Lines of the enemy, have been plundered of their property above high water mark under pretence of legal authority or otherwise contrary to the rules of Justice and humanity,

*Therefore resolved*, that no goods or effects belonging to the Citizens of any of these United States within the possessions of the enemy, which have been or may be taken on land above high water mark, shall be deemed legal prize in any Court within the United States unless the capture thereof shall be made in pursuance of a special commission and instructions for that purpose granted by the United States in Congress assembled.[2]

The Committee of Commerce, to whom was referred the memorial of D. Clarke; and

The Commercial committee report on the memorial of Daniel Clarke, agent for Oliver Pollock of New Orleans the following resolution:

[1] This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 32, folio 267. Humpton's letter is in the *Papers of the Continental Congress*, No. 148, II, folio 385, and the one from the officers of the Pennsylvania line on folio 381; that of Melven is in No. 78, XVI, folio 253.

[2] This report, in the writing of Samuel Livermore, is in the *Papers of the Continental Congress*, No. 20, I, folio 383. It is in the list of postponed reports in No. 31, folio 371.

That the Treasury be directed to pass to the credit of Oliver Pollock, Continental Agent at New Orleans, in addition to the Credit in their books of the sixth of February last, the sum of twenty one thousand four hundred and nineteen dollars and seventy eight ninetieths of a dollar in specie, to bear an interest of six per Cent from the sixth of February last, untill paid.

The Committee are of opinion the accounts against the State of Virginia should be referred to the Delegates of the State.[1]

The committee on the warrant drawn on Doct J. Witherspoon returned protested; delivered in their several reports.

The report of the committee appointed to confer with the Commander in Chief, the Board of War and superintendant of finance on the number and arrangement of the army for the next campaign was taken into consideration, and some time being spent thereon:

Adjourned to 10 o'Clock to Morrow.

## FRIDAY, OCTOBER 12, 1781

A letter, of 1, from General Washington, was read.[2]

Information being given by the President:

*Ordered,* That it be referred to a committee of three:

The members, Mr. [George] Clymer, Mr. [Roger] Sherman, Mr. [Joseph] Montgomery.

A report from the Board of War was read; Whereupon,

*Ordered,* That the Board of War draw a warrant on the paymaster general in favour of Captain Swan of the third regiment of light dragoons for one hundred and twenty dollars equal to two months' pay and subsistance for which sum he is to be accountable.[3]

Another report from the Board of War was read; Whereupon,

[1] This report is in the *Papers of the Continental Congress,* No. 50, folio 321.

[2] This letter is in the *Papers of the Continental Congress,* No. 152, X, folio 257. It is printed in *The Writings of Washington* (Ford), IX, 372.

[3] This report is in the *Papers of the Continental Congress,* No. 148, II, folio 361.

AT A BOARD OF WAR *October 12th 1781.*

Present, Mr Peters
General Cornell

The Board have considered the Memorial of Andrew Brown late Deputy Muster Master in the Eastern Department, and beg leave to observe that they consider his case to be similar to those officers of the army who retired under the resolution of the 24 day of November 1778 with one year's advance pay at its then depreciated value, the mustering department on the 12th day of January 1780. was totally discontinued on the same principles. No resolutions of Congress had then passed allowing depreciation to any class of men whatsoever; therefore at present they have no resolution of Congress under which they can claim depreciation. And should Congress by a resolution allow it to the Gentlemen of the mustering department, it is more than probable the retiring officers of the line will expect the same. As they remain contented at present, the Board are of opinion that policy if not justice will support the following resolution:

*Ordered,* That it be recommended to the executive of the State of Massachusetts, to settle with, and pay the officers of the late mustering department within that State that have not been settled with, by allowing them what their arrears of pay and year's advance was worth in specie, at the time they respectively became due, and charge the same to the United States.[1]

Another report from the Board of War was read; Whereupon,

WAR OFFICE *Oct. 11, 1781.*

SIR,

The Board have been honored with a reference from Congress relative to the Pennsylvania officers who have returned from Virginia, and request to be put on a footing with those of that line who have received six months' nominal pay. As the Paymaster General has State paper sufficient to satisfy these officers and a few of the old soldiers, who have not received discharges, to whom as a reward for their continuance in service we are of opinion some pay should be given, we conceive that no inconvenience will arise from complying with the request of the officers especially as it will occasion no new draft on the Financier. We therefore beg leave to report,

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 389.

*Ordered*, That the letter, of the 10, from Colonel Richard Humpton respecting the pay of some of the officers of the Pensylvania line, and the report of the Board of War on the subject, be referred to the Board to take order.

P. S. In the payment of the detachments of the Pennsylvania line, those of the non-commissioned officers and privates, who continued in the line without taking advantage of the disturbances created in it last winter have received some pay and therefore we conceive it just to put those who are now in the State on a footing with the others. Their numbers are very small.[1]

Another report from the Board of War was read; Whereupon,

*Ordered*, That the Board of War draw a warrant on the paymaster general in favour of Captain Alexander Mitchel, commanding officer at Wioming for one hundred dollars equal to two months' pay and subsistance, for which sum he is to be accountable.[2]

A letter from the Board of War was read:

*Ordered*, That it be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [Roger] Sherman, Mr. [Thomas] Smith.

The committee to whom was referred a report of the Board of Treasury, of the 27 of November last, respecting the payment of interest on loan office certificates, &c.; and another, of the 20 of August, respecting the continental bills of credit remaining in the loan offices, delivered in a report.

Congress resumed the consideration of the report of the committee appointed to confer with the Commander in Chief, the Board of War and superintendant of finance on the number and arrangement of the army for the next campaign, and some time being spent thereon:

Adjourned to 10 o'Clock to Morrow.

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 377.

[2] This report is in the *Papers of the Continental Congress*, No. 148, II, folios 367 and 369.

## SATURDAY, OCTOBER 13, 1781

A letter, of this day, from Captain J. Barry, was read:[1]

*Ordered,* That it be referred to a committee of three:

The members, Mr. [Roger] Sherman, Mr. [Edmund] Randolph, Mr. [Elias] Boudinot.

A letter, of this day, from W. C. Houston, was read, declining the office of comptroller;[2] Whereupon,

Congress proceeded to the election of a comptroller; and, the ballots being taken, James Milligan was elected, having been previously nominated by Mr. [Thomas] McKean.

The committee of the week made report; Whereupon,

*Ordered,* That a petition of Mr. O'Neil be referred to the Board of War;[3]

That a letter of John Wereat respecting the settlement of his accounts be referred to the comptroller.[4]

The committee to whom was referred the letter, of 10th October, from Mr. Walton delivered in a report; Whereupon,

*Ordered,* That on the application of the delegates of the State of Georgia the sum of five hundred dollars be advanced to the hon^ble^ George Walton, late a delegate from the said State, to enable him to discharge arrearages of expenditure during his delegation and to return home, and for which sum the said State of Georgia is to be accountable.[5]

The report of the committee, ||consisting of Mr. Osgood, Mr. Sherman, Mr. Mathews,|| to whom were referred the papers relative to the order on Dr. J. Witherspoon, which has been protested, was taken into consideration; and, thereupon,

[1] This letter is in the *Papers of the Continental Congress,* No. 78, IV, folio 287.

[2] This letter is in the *Papers of the Continental Congress,* No. 78, XII, folio 187.

[3] This petition is in the *Papers of the Continental Congress,* No. 42, VI, folio 51.

[4] This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress,* No. 32, folio 269.

[5] This report, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress,* No. 78, XXIV, folio 340, indorsed on Walton's letter.

*Resolved,* That the protested order and papers be referred to the superintendant of finance, with whom Dr. Witherspoon is to account, for the money due to the United States in his hands, which he received of prisoners that have been exchanged, and pay over the same to the said superintendant, who is to take order for the support and education of the Indian youths at Princeton college, under the care of Colonel George Morgan, out of the said moneys, or otherwise, as he may think expedient.

That Dr. J. Witherspoon, upon paying over the said money, be indemnified by the United States, from any demand the said prisoners may have against him on this account, for want of original vouchers, until they may be furnished by the comptroller of accounts, who is directed to liquidate, as soon as may be, the charges against the said exchanged prisoners upon principles of equity; and if it shall appear that the agent of the said prisoners has paid more than is found to be due, the balance shall be immediately refunded to him.[1]

A letter from the officers of the South Carolina and Georgia lines was read:

*Ordered,* That it be referred to [a] committee of three:

The members, Mr. [Daniel] Carroll, Mr. J[oseph] Jones, Mr. N[oble] W[imberly] Jones.

A letter, of 7th, from Major General Heath, was read:[2]

*Ordered,* That a copy thereof be transmitted by express to the Commander in Chief.

~~On motion of Mr. [James Mitchell] Varnum, seconded by Mr. [Roger] Sherman:~~

~~*Ordered*, That the Board of War proceed without loss of time to form the estimates of expenditures for the year~~

[1] This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 19, VI, folio 583.

[2] This letter is in the *Papers of the Continental Congress*, No. 157, folio 332.

~~1782; and that an army of twenty five thousand rank and file form the basis of their calculations.~~[1]

AT A BOARD OF WAR *October 12. 1781.*

Present Mr Peters
Genl. Cornell

The Board have considered the letter from Captain George Melven claiming pay for an horse which he claims as his property, and said to be delivered to Major Pinckney to ride on public service, and being left by that gentleman near Camden fell into the hands of the British and there being no resolution of Congress providing for compensating losses of this nature, we see no means of granting relief to Captain Melvin especially as paying him would establish a precedent which would create infinite difficulties. We therefore beg leave to report,

That Captain Melven be informed that his request contained in his letter of the 10 Instant cannot be complied with.[2]

Adjourned to 10 o'Clock to Morrow. [on Monday]

## MONDAY, OCTOBER 15, 1781

A letter, of 11, from Major General Heath;

One, of 9th, from the director of the military hospitals; and

A representation of Alexander McNutt, were read.[3]

The committee of the week was elected:

Mr. [Isaac] Motte, Mr. [Samuel John] Atlee, Mr. [Daniel] Mowry.

The committee, ||consisting of Mr. Duane, Mr. Randolph, Mr. Matthews, Mr. Boudinot, Mr. Sherman,|| appointed to confer with the hon. Minister Plenipotentiary of France delivered in a report; Whereupon,

[1] According to the indorsement a letter of October 10, from Alexander Martin, speaker of the Senate of North Carolina, was read. It is in the *Papers of the Continental Congress*, No. 72, folio 127.

[2] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 373. It is indorsed as having been read on this day. The indorsement says further: "October 18th, motion to refer it to a committee passed in the negative."

[3] Heath's letter is in the *Papers of the Continental Congress*, No. 157, folio 343; the letter of John Cochran, the Director of the Military Hospitals, is in No. 78, VI, folio 63; McNutt's representation, dated June 15, 1781, is in No. 43, folio 173.

*Ordered,* That so much of the report of the hon. J. Laurens, of his mission to the Court of Versailles, of the late conferences between the minister of France and a committee of Congress, and of the several letters of the hon. John Jay, and the hon John Adams, as relates to the finances of the United States, be referred to the superintendant thereof, to be transmitted to the several states, in such manner as he shall think proper.[1]

The report of the committee on the plan of a convention respecting the powers of Consuls was taken into consideration, and after debate:

*Ordered,* That it be re-committed and that two members be added in the room of Mr. [Oliver] Ellsworth and Mr. [Nicholas] Van Dyke, who are absent:

The members added, Mr. [Roger] Sherman, Mr. [George] Clymer.

A report from the Board of War was read; Whereupon,

WAR OFFICE *October 15th 1781.*

Lieutenant Bealieu late of Armand's Legion has received but three months' nominal pay since the 4th January last, and has applied to the Board for a further grant of three months' pay and subsistence to put him on a footing with the officers who have benefitted by the resolutions of the 2nd and 13th August last. This Gentleman was dangerously wounded at the siege of Savannah, of which he has not yet recovered. Should Congress deem it expedient to comply with his request, they will be pleased to resolve,

That the Board of War be authorised and directed to draw a warrant on the Paymaster Gen[l] in favor of Lieutenant Bealieu late of Armand's Legion for three months' ~~nominal~~ pay and subsistence on account for which sum he is to be accountable.[2]

*Ordered,* That the Board of War draw a warrant on the paymaster general in favour of Lieutenant Beaulieu, late of Colonel Armand's legion, to put him on a footing with the

[1] This order was also entered in the manuscript Secret Journal, Foreign Affairs. The report is in the *Papers of the Continental Congress,* No. 25, I, folio 467, in Edmund Randolph's writing.

[2] This report is in the *Papers of the Continental Congress,* No. 148, II, folio 393.

officers who have benefitted by the resolutions of the 2d and 13 August last.

The report of the Committee on the Post Office, was taken into consideration, and on the question, "that from and after the 1st day of December next, all franks be abolished,"

The yeas and nays being required by Mr. [James Mitchell] Varnum,

| | | | | | |
|---|---|---|---|---|---|
| *Massachusetts,* | | | *Maryland,* | | |
| Mr. Lovell, | no | | Mr. Jenifer, | ay | |
| Partridge, | ay | no | Hanson, | no | ay |
| Osgood, | no | | Carroll, | ay | |
| *Rhode Island,* | | | *Virginia,* | | |
| Mr. Mowry, | no | | Mr. J. Jones, | no | |
| Varnum, | ay | div. | Madison, | ay | ay |
| *Connecticut,* | | | Randolph, | ay | |
| Mr. Sherman, | ay | * | *South Carolina,* | | |
| *New Jersey,* | | | Mr. Mathews, | no | |
| Mr. Clark, | ay | | Bee, | ay | |
| Boudinot, | no | no | Middleton, | no | no |
| Elmer, | no | | Motte, | no | |
| *Pennsylvania,* | | | Eveleigh, | no | |
| Mr. Clymer, | no | | *Georgia,* | | |
| T. Smith, | ay | div. | Mr. Telfair, | no | * |
| *Delaware,* | | | | | |
| Mr. McKean, | no | * | | | |

So it passed in the negative.

WAR OFFICE *October 15th 1781.*

SIR,

Col. Charles Harrison of the Artillery was sent by General Greene to Virginia, from whence he is come to Philadelphia to procure supplies of military Stores for the Southern Army, and represents his situation for want of money to be extremely distressing, insomuch that he cannot proceed in the business without an advance of Cash. If Congress deem such an advance expedient and practicable, they will please to direct,

That the Board of War draw a warrant on the Paymaster General in favor of Colonel Charles Harrison of the Artillery for two months' pay.[1]

Adjourned to 10 o'Clock to Morrow.

## TUESDAY, OCTOBER 16, 1781

A letter, of 3 September, from Major General Greene, was read:[2]

*Ordered,* That it be referred to the Board of War to take order.

On motion of Mr. [Thomas] Bee, seconded by Mr. [Isaac] Motte:

*Ordered,* That Thursday next be assigned for electing a deputy purveyor for the military hospital, in the room of Doct Brownson, who is elected governor of Georgia.

A letter, of 6, from General Washington;

A letter, of 1 September, from Major General Greene, was read, enclosing a copy of a letter to Colonel Campbell and Commission to sundry persons to negotiate a treaty with the Cherokee and Chicasaw Indians:[3]

*Ordered,* That it be referred to a committee of three:

The members, Mr. [John] Hanson, Mr. [James Mitchell] Varnum, Mr. [George] Clymer.

One, of 2d September, and one, of 18 same month, from General Greene, with sundry papers enclosed relative to the execution of Colonel Haynes and the conduct of the enemy with regard to prisoners:

*Ordered,* That these be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [Arthur] Middleton, Mr. [Samuel John] Atlee.

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 395. It is indorsed as having been passed in the negative October 18th.

[2] This letter is in the *Papers of the Continental Congress*, No. 155, II, folio 302.

[3] Washington's letter is in the *Papers of the Continental Congress*, No. 152, X, folio 261; Greene's is in No. 155, II, folio 255.

A letter of the 5th September, from General Greene, with a report from Brigadier General Marion, of his successful enterprize against the enemy, and,

A letter, of the 11th, from the same, giving an account of the victory gained over the enemy at the Eutaw Springs, the 8th of the said month, were read.[1]

*Ordered*, That these be referred to the Committee of Intelligence.

A report of the committee of the week was read; Whereupon,

The Committee of the Week,

Report,

A Petition of Lieu[t] Pepin, a Canadian, late of Col[o] Livingston's Reg[t], praying a Liquidation and settlement of his acc[ts] &c[a], Recommend,

*Ordered*, That a petition of Lieutenant Pepin, together with his accounts, be referred to the comptroller for settlement, in the same manner as ordered for the officers of Colonel Hazen's regiment.

That a petition of Captain McConnell be referred to the Board of War.[2]

A report from the Board of War was read; Whereupon,

WAR OFFICE *October 15th 1781.*

SIR,

The Board in their consideration of the letter from Captain George Turner late Commissary of Prisoners for the Southern Army omitted to take notice of that Gentleman's representation relative to the injury he supposed to be done to his Character as it was presumed by the Board that a settlement of his accounts should most properly precede any farther measures. But as the situation of the Treasury arrangement has been such as to detain Captain Turner in Phila-

[1] The letter of September 2d is in the *Papers of the Continental Congress*, No. 155, II, folio 267; that of September 18th is on folio 333; that of September 5th is on folio 305; that of September 11th is on folio 317.

[2] This report, in the writing of Daniel Mowry, is in the *Papers of the Continental Congress*, No. 32, folio 271; McConnell's petition is in No. 42, V, folio 269.

delphia at a heavy expense and he is anxious to have an explanation of the former resolve we are induced at his pressing instance to submit the following report to the determination of Congress:

*Resolved*, That the reasons inducing Congress to supersede by their order of the 5th August, 1780, Captain George Turner from his office of commissary of prisoners, did not proceed from any mal-practice or dishonorable procedure of Captain Turner in his said office, but from motives not affecting his integrity or capacity.[1]

The delegates of Virginia representing to Congress, that the committee to whom were re-committed the territorial cessions of Virginia, New York and Connecticut, with a memorial signed J. Wilson, by order of the United Ilionois and Wabash companies, and the memorial of William Trent, in behalf of himself and other members of the Indiana company, had given them notice that they should, on Saturday last, confer with the agents of the said companies, on the subject of their several memorials; that the said delegates conceiving that no claim ought to be received from the said companies adverse to the cessions of Virginia, or any other State, because if the lands to which pretensions made by those companies lie within the limits of such State, by its authority alone can the merits of their claims be enforced, because the jurisdiction of Congress in territorial questions, being confined to an adjustment of the confronting claims of different states, if the lands claimed by those companies lie without the limits of Virginia, or any of the other states, Congress are interdicted by the Confederation from the cognizance of such claims, and because it derogates from the sovereignty of a State to be drawn into contest by an individual, or company of individuals, and therefore that it was not the intention of Congress to authorise the committee to confer with the said agents in such manner as to receive from

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 397.

them claims adverse to the cessions of any of the states abovementioned; the said delegates did request the committee to forbear such conference until the sense of Congress on the subject should be known, and proposing that the question be now taken:

Whether it was the intention of Congress to authorise the committee to receive claims, and hear evidence in behalf of the said companies, adverse to the claims or cessions of Virginia, New York or Connecticut:[1]

The previous question was moved by the State of Rhode Island, &c., and seconded by the State of Maryland; and on the question to agree to the previous question,

The yeas and nays being required by Mr. [Edmund] Randolph,

| | | | | | |
|---|---|---|---|---|---|
| *Massachusetts,* | | | *Maryland,* | | |
| Mr. Lovell, | ay | ay | Mr. Jenifer, | ay | ay |
| Osgood, | ay | | Hanson, | ay | |
| *Rhode Island,* | | | Carroll, | ay | |
| Mr. Mowry, | ay | ay | *Virginia,* | | |
| Varnum, | ay | | Mr. Jones, | no | no |
| *Connecticut,* | | | Madison, | no | |
| Mr. Sherman, | ay | * | Randolph, | no | |
| *New Jersey,* | | | *North Carolina,* | | |
| Mr. Clark, | ay | ay | Mr. Hawkins, | no | * |
| Boudinot, | ay | | *South Carolina,* | | |
| Elmer, | ay | | Mr. Middleton, | no | no |
| *Pennsylvania,* | | | Motte, | ay | |
| Mr. Atlee, | ay | ay | Eveleigh, | no | |
| Clymer, | ay | | *Georgia,* | | |
| *Delaware,* | | | Mr. Telfair, | no | no |
| Mr. McKean, | ay | * | N. W. Jones, | no | |

So the previous question was lost ~~and the main question lay open for debate.~~

Adjourned to 10 o'Clock to Morrow.

[1] This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, I, folio 223.

## WEDNESDAY, OCTOBER 17, 1781

A letter, of 9, from Major General Heath, was read:

*Ordered,* That it be referred to the Board of War.

A memorial of John Ross;[1] and

A memorial of William Bingham, were read.

A motion was made by Mr. [James Mitchell] Varnum, seconded by Mr. [Thomas] Bee:

*Resolved,* That a gold medal be presented to Major General Greene for his conduct in the action of the eighth of September last.

*Resolved,* That the thanks of Congress be given to the officers and troops under his command, and that the Brevet of Major be given to Cap$^{t}$ Pierce of the Artillery.[2]

*Ordered,* That it be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [Arthur] Middleton, Mr. [Samuel John] Atlee.

A letter, of this day, from Captain Pierce, was read:

*Ordered,* That it be referred to the Board of War.

A letter, of 16, from the Board of War, was read:[3]

*Ordered,* That it be referred to a committee of three:

The members, Mr. [Joseph] Montgomery, Mr. [Roger] Sherman, Mr. [George] Partridge.

A letter from J. Wereat was read.[4]

The committee of the week made report; Whereupon,

The Committee of the Week

Report,

A memorial from John Clarke, late Aid de Camp to Major Gen$^{l}$ Greene and Auditor of Acc$^{ts}$ for the Main Army, praying that proper

[1] Heath's letter is in the *Papers of the Continental Congress,* No. 157, folio 337; Ross's memorial, dated October 16, 1781, is in No. 41, VIII, folio 314.

[2] This motion, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress,* No. 36, I, folio 227.

[3] Pierce's letter is in the *Papers of the Continental Congress,* No. 165, folio 641; that of the Board of War is in No. 148, I, folio 425.

[4] This letter, dated October 17, 1781, is in the *Papers of the Continental Congress,* No. 78, XXIV, folio 343.

Persons may be appointed to settle his acc^ts and that he be allowed the depreciation of his Pay &c^a

*Ordered*, That a memorial of John Clarke be referred to the comptroller.[1]

The committee, ||consisting of Mr. Varnum, Mr. Randolph, Mr. Montgomery,|| to whom was referred the memorial of Colonel Donald Campbell delivered in a report; Whereupon,

*Ordered*, That the accounts of Colonel Donald Campbell be referred to the comptroller, to be finally settled according to justice, equity, and his best discretion, having regard to such proof as the nature of the case will admit, and as shall appear satisfactory, the resolution of the 21 of June last notwithstanding.[2]

The main question moved yesterday by the delegates of Virginia, was taken into consideration, and a motion was made by Mr. [James Mitchell] Varnum, seconded by Mr. [George] Partridge, to strike out the word "whether," and in lieu thereof to insert "Resolved, that," and after the word "was," to insert "not," so as to read, Resolved, that it was not the intention, &c. and on the question to agree to the amendment,

The yeas and nays being required by Mr. [Edmund] Randolph,

| | | | | | |
|---|---|---|---|---|---|
| *Massachusetts*, | | | *New Jersey*, | | |
| Mr. Lovell, | ay | ay | Mr. Boudinot, | ay | ay |
| Partridge, | ay | | Elmer, | ay | |
| Osgood, | no | | *Pennsylvania*, | | |
| *Rhode Island*, | | | Mr. Montgomery, | ay | ay |
| Mr. Mowry, | no | div. | Atlee, | ay | |
| Varnum, | ay | | *Delaware*, | | |
| *Connecticut*, | | | Mr. McKean, | ay | * |
| Mr. Sherman, | ay | * | | | |

[1] This report, in the writing of Daniel Mowry, is in the *Papers of the Continental Congress*, No. 32, folio 273.

[2] This report, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress*, No. 19, I, folio 511.

| | | | | | |
|---|---|---|---|---|---|
| *Maryland*, | | | *South Carolina*, | | |
| Mr. Jenifer, | ay | ay | Mr. Bee, | ay | div. |
| Hanson, | ay | | Middleton, | no | |
| Carroll, | ay | | *Georgia*, | | |
| *Virginia*, | | | Mr. Telfair, | no | no |
| Mr. Jones, | no | no | N. W. Jones, | no | |
| Madison, | no | | | | |
| Randolph, | no | | | | |

So the amendment was lost.

The committee appointed to confer with the hon^ble^ the Minister Plenipotentiary of France delivered in a report.

Adjourned to 10 o'Clock to Morrow.

## THURSDAY, OCTOBER 18, 1781

A letter, of 15 June, from Jon^a^ Williams, was read, with a copy of his accounts as settled with the hon^ble^ Doct Franklin May 31, 1781.

A letter, of this day, from James Milligan, was read, accepting the office of comptroller.

A letter, of this day, from John Wereat was read:

*Ordered*, That it be referred to the comptroller.

A letter, of 11, from Lieutenant Colonel Cambray was read:[1]

*Ordered*, That it be referred to the Board of War.

A report from the Board of War, on the memorial of Mons. O'Neil, late a captain in the army of the United States, was read; Whereupon,

WAR OFFICE *Oct. 18. 1781.*

The Board having considered the memorial of Mons^r^ Oneil late a Captain in the Army of the United States, and beg leave to report,

That by a resolve of the 21^st^ February last Captain Oneil was considered as a supernumerary officer and in consequence of an order of Congress of the 5^th^ March following he received a year's pay, it therefore appears to the Board proper for Congress to resolve

[1] Milligan's letter is in the *Papers of the Continental Congress*, No. 78, XVI, folio 257; Cambray's is in No. 78, VI, folio 67.

*Resolved,* That Mr. O'Neil, late a captain in Pulaski's legion, be informed that the request contained in his memorial of the 13 instant cannot be granted.[1]

The report of the committee to whom was referred a report of the Board of Treasury, of the 27 November last respecting the payment of interest on loan office certificates &c; and another, of the 20 of August last, respecting the continental bills of credit in the loan offices was taken into consideration:

*Ordered,* That it be referred to the superintendant of finance.

The committee, ||consisting of Mr. Montgomery, Mr. Sherman, Mr. Partridge,|| to whom was referred the letter of the 16, from the Board of War, on the case of Mr. Dedevans, delivered in a report; Whereupon,

*Resolved,* That the resolution of the 10th of August, 1776, empowering General Schuyler to enquire into the service and character of Canadian volunteers, and to grant them ~~such~~ rewards and wages ~~as shall appear to have been merited,~~ be and hereby is repealed; and that all persons, of what character soever, who now draw pay or rations in consequence of the said resolution, be not entitled to draw pay or rations after the 1st day of December next.

*Ordered,* That Mr. Dedevans settle with the comptroller for money and rations due to him in consequence of the resolution aforesaid ~~and that the Board of War grant him a warrant on the Treasurer for the sum due.~~[2]

On motion of Mr. [Joseph] Montgomery, seconded by Mr. [Isaac] Motte:

*Resolved,* That the order of the day for electing a deputy purveyor of the military hospital be and hereby is repealed.

[1] This report is in the *Papers of the Continental Congress,* No. 148, II, folio 401.

[2] This report, in the writing of Joseph Montgomery, is in the *Papers of the Continental Congress,* No. 19, II, folio 33.

*Resolved,* That Dr. Johnson, a hospital physician and surgeon, be, and he is hereby, authorised to do the duty of deputy purveyor for the military hospital in the southern department, until the farther order of Congress.

On motion of Mr. [George] Clymer, one of the committee to whom was referred the accounts of Mr. Holker:

*Resolved,* That the said committee be discharged and that the said accounts be referred to the comptroller for settlement.

The committee, ||consisting of Mr. Duane, Mr. Randolph, Mr. Mathews, Mr. Boudinot, Mr. Sherman,|| appointed to confer with the hon. the Minister Plenipotentiary of France, having reported the draught of a letter to his Most Christian Majesty; the same was taken into consideration and agreed to.

The committee, appointed to confer with the minister of France, report the following resolution and draft:

*Resolved,* That a letter be written to his Most Christian Majesty in the following words:

> The United States in Congress assembled—To their great, faithful and beloved Friend and Ally, Lewis the sixteenth, King of France and Navarre.

GREAT, FAITHFUL AND BELOVED FRIEND AND ALLY,

We feel an additional obligation to your Majesty for your friendly reception of our late ~~envoy, Mr.~~ [special minister, Lieutenant Colonel] John Laurens. By him we received your Majesty's letter, ~~bearing date at Versailles on the 11th day of May in the year of our lord 1781, and~~ containing new assurances of what the United States have been long convinced, your Majesty's affectionate patronage of American independence ~~and attachment and gratitude to your Majesty having been firm and warm even before his arrival.~~ His

report, while it proves that our attachment has not been misplaced, will increase ~~the vigour of~~ our gratitude. We ~~shall charge~~ [have charged] our minister plenipotentiary at your court to render to your Majesty [more] particular acknowledgments ~~in the name of the United States, for the many efforts already made by your Majesty in the true spirit of the alliance,~~ for your ~~Majesty's~~ zeal for the re-establishment of peace, upon principles coinciding with the liberty and sovereignty of the United States, and for the important succours lately administered to our necessities. We shall also instruct him to inform your Majesty of the arrangements which shall have taken place for calling forth the resources of the United States with decision and effect against the common enemy.

We pray God that he will keep your Majesty, our great, faithful and beloved friend and ally, in his holy protection.

Done at Philadelphia, the eighteenth day of October, in the year of our Lord one thousand seven hundred and eighty-one, and in the sixth year of our independence. By the United States in Congress assembled. Your faithful friends and allies.

THOS. MCKEAN, *President.*[1]

Attest

CHAS. THOMSON, *Sec'y.*

Adjourned to 10 o'Clock to Morrow.

[1] This letter was entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal, No. 4. A copy is in Secret Journal, No. 6, Vol. III. The draft, in the writing of Edmund Randolph, except the words in brackets, which are in Thomas McKean's writing, is in the *Papers of the Continental Congress*, No. 25, I, folio 275.

**FRIDAY, OCTOBER 19, 1781**

A letter, of 18, from the superintendant of finance was read:

*Ordered,* That it be referred to the committee on the letter, of 11, from the Board of War.

A report from the Board of War was read; Whereupon,

WAR OFFICE *Oct. 19th 1781.*

The Board have considered the letter from Captain Pierce, and having conferred with the Superintendent of Finance who concurs in opinion with us that the peculiarity of Captain Pierce's situation makes his case an exception to any general rule as to pay we beg leave to report,

*Ordered,* That the Board of War draw a warrant on the paymaster general in favour of Captain William Pierce, aid de camp to Major General Greene, for three months' pay and also for such sum as the Board shall deem necessary to defray his traveling expences.[1]

A letter from the Board of War was read, with sundry papers enclosed relative to disabled officers of the Connecticut line:

*Ordered,* That the same be referred back to the Board of War to take such order thereon as they shall judge best.

The committee to whom was referred the report of the Committee of Commerce respecting the salary of W. Bingham, Esq., late political agent, delivered in a report.

The committee of the week made report; Whereupon,

*Ordered,* That an account of Major General St. Clair be referred to the Board of War.[2]

A motion was made by Mr. [James Mitchell] Varnum, seconded by Mr. [Elias] Boudinot:

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 405.

[2] This report, in the writing of Daniel Mowry, is in the *Papers of the Continental Congress*, No. 32, folio 275.

Resolved that in future no Warrants issue in favour of Officers in actual service for Pay or Subsistence, but by the Commander in Chief or the Commanding Officer of a seperate Department.[1]

*Ordered,* That it be referred to the Board of War.

The report of the committee on the Post Office was taken into consideration; Whereupon,

The Committee on the Post Office beg leave to report.

That they have conferred with the Superintendant of finance, and Postmaster General according to the instructions given to your Committee, by the act of Congress of the 1st Day of August last, and thereupon submit sundry papers herewith delivered and numbered 1, 2, 3, 4 and 5, by which it appears that the present expence of the Post Office amounts to fourteen thousand, one hundred and sixty six dollars and two thirds.

That your Committee according to the instructions to them aforesaid given, have attended to the regulation thereof in future, and after a full view and consideration, of all circumstances, it appears indispensibly necessary,

1st That from and after the first day of December next all franks be abolished, But as the military officers of the United States, are not at present regularly paid, your Committee conceive, that it will be proper that the Post Masters keep an exact account of the postage on their letters, and that the same be returned quarterly to the Pay Master General to be deducted from the pay of the officers respectively.

Passed in the negative.

*Resolved,* That the price to be paid for the postage of letters be reduced to what it was ~~before~~ at the commencement of the present war:

~~Your Committee further conceive it will be proper, that the Post Master be directed to cause the mail to be carried with all possible Dispatch once a week, and that the Post between Baltimore and Boston ride twice a Week, and that this regulation be extended farther Northward when the produce of the Post Office will admit the expence.~~

~~It will also be proper that in some cases an additional Stipend over and above the Commission, be given to the Post Masters, who will~~

[1] This motion, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress*, No. 148, II, folio 443.

~~have additional Duty, and who will receive but very small sums of Money for Letters, and some of them none at all; and that on the other hand the Post Master General be allowed to regulate the Commissions aforesaid, so as that they shall not in the whole exceed the present Rate of twenty per Cent.~~

~~Your Committee are Sensible that the Expence of the office will be much increased by the Methods they have proposed, but they are equally sensible, that the Revenue will also be very considerably increased, and they expect that a far more considerable Expence will be entirely cut off, for which purpose they farther beg leave to propose~~

That ~~as soon as the Posts shall have been established on the new plan~~ from and after the first day of December next, all Express Riders, on constant pay, be dismissed from the public Service.

That the postmaster general be, and hereby is, authorised to allow the ~~respective~~ several postmasters such commission per cent, ~~on the posts according to their trouble and attention~~ as he shall think ~~reasonable and just~~ their respective services merit, so as that the said commissions do not in the whole exceed twenty per cent:

That he cause the mail to be carried with all despatch once a week:

That from and after the 1st day of December next, all express riders, on constant pay, be dismissed from the public service:

That there be in the department of the Post Office a postmaster general, ~~the Comptroller, and two Surveyors, with the Salaries and Allowances at present made to each~~ and an assistant or clerk:

That the salary of the postmaster general be twelve hundred and fifty dollars per annum:

That the salary of the assistant or clerk be eight hundred dollars per annum:

That this establishment of the Post Office take place on the 1st day of December next.

*Ordered,* That ~~Monday~~ Tuesday next be assigned for electing a postmaster general and the assistant or clerk.[1]

Adjourned to 10 o'Clock on Monday.

## MONDAY, OCTOBER 22, 1781

Mr. [Richard] Law, a delegate for Connecticut, attended and took his place.

A letter, of 12, from General Washington; and

One, of 20, from Governor Lee of Maryland, enclosing a copy of a letter, of 18, from the Count de Grasse;

One, of 16, from Major General Heath;[2]

A letter from Colonel J. Laurens, enclosing a letter, of 21 May, from M. Jackson.

A letter of 11, from Colonel Pickering, quartermaster general, was read; Whereupon,

*Resolved,* That letters to and from the quartermaster general be carried free of postage.

A letter, of this day, from J. Milligan, comptroller, was read;[3] Whereupon,

*Ordered,* That to-morrow be assigned for electing two auditors.

A letter, of 20, from the superintendant of finance, was read, with a copy of a circular letter which he proposes to send to the several states:[4]

*Ordered,* That the said copy be referred to a committee of three, to confer with the superintendant, and that he take order thereon.

[1] This report is in the *Papers of the Continental Congress,* No. 61, folio 491.

[2] This letter is in the *Papers of the Continental Congress,* No. 152, X, folio 265; it is printed in *The Writings of Washington* (Ford), IX, 380. The Maryland letter is in the *Papers of the Continental Congress,* No. 70, folio 495; Heath's letter is in No. 157, folio 347.

[3] Pickering's letter is in the *Papers of the Continental Congress,* No. 192, folio 85; Milligan's is in No. 78, XVI, folio 261.

[4] Morris's letter to the governors of the several states, dated October 19, 1781, is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 790.

The members, Mr. [Joseph] Montgomery, Mr. [Roger] Sherman, Mr. [Arthur] Middleton.

The committee of the week was elected:

Mr. [John] Witherspoon, Mr. [Richard] Law, Mr. [George] Partridge.

A memorial of John Vance was read, with sundry papers enclosed.[1]

A report from the Board of War was read; Whereupon,

WAR OFFICE *October 19. 1781.*

SIR,

The Board beg leave to enclose a letter from John Lawrence Esq. Judge Advocate on the subject of pay. He came to this city with a view to raise a sum of money to enable him to continue in the field; but being disappointed, he is left entirely destitute, so that he can neither defray his expenses or purchase necessaries to support a decency of appearance, which an officer of his character should preserve. If Congress on Consideration of these circumstances, think it in any degree expedient they will please to direct,

*Ordered*, That the Board of War draw a warrant on the paymaster general for four months' nominal pay in favour of John Lawrence, judge advocate.[2]

Adjourned to 10 o'Clock to Morrow.

## TUESDAY, OCTOBER 23, 1781

The secretary laid before Congress a letter from the President in the words following: Whereupon,

SIR: I must beg you to remind Congress, that when they did me the honor of electing me President, and before I assumed the Chair, I informed them, that as Chief Justice of Pensylvania, I should be under the necessity of attending the Supreme Court of that State, the latter end of September, or at farthest in October. That court will

[1] This memorial, dated October 22, 1781, is in the *Papers of the Continental Congress*, No. 41, X, folio 331.

[2] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 407.

be held to-day; I must therefore request that they will be pleased to proceed to the choice of another President.

I am, sir, with much respect, your most obedient humble servant,

THOS. MCKEAN.

Philadelphia, October 23d, 1781.

CHARLES THOMSON, Esquire,

*Secretary of Congress.*[1]

*Resolved,* That the resignation of Mr. [Thomas] McKean is accepted.

*Ordered,* That the election of a President be postponed until to-morrow.

Congress proceeded to the election of auditors; and, the ballots being taken, Mr. William Govett was elected, having been previously nominated by Mr. [Roger] Sherman.

*Ordered,* That the election of the other auditor be postponed.

A report from the Board of War was read, with sundry papers enclosed containing an estimate of the monies necessary for the War Department for the ensuing year:

*Ordered,* That the same be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [John] Hanson, Mr. [Elias] Boudinot.

On motion of Mr. [Edmund] Randolph, seconded by Mr. [Roger] Sherman,

*Resolved,* That the superintendant of finance be, and hereby is authorised to correspond with the several foreign ministers of these United States, as often as there shall be occasion, upon subjects relating to his department.[2]

[Adjourned to 10 o'Clock to-morrow.]

[1] This letter is in the *Papers of the Continental Congress,* No. 78, XVI, folio 265.

[2] This resolution was also entered in the manuscript Secret Journal, Foreign Affairs.

WEDNESDAY, OCTOBER 24, 1781

On motion of Mr. [John] Witherspoon, seconded by Mr. [Joseph] Montgomery,

*Resolved, unanimously,* That Mr. [Thomas] McKean be requested to resume the chair, and act as President till the first Monday in November next; the resolution of yesterday notwithstanding.

A letter, of 19, from General Washington, was read, giving information of the reduction of the British army under the command of the Earl of Cornwallis, on the 19th instant with a copy of the articles of capitulation; Whereupon,

On motion of Mr. [Edmund] Randolph, seconded by

*Resolved,* That Congress will, at two o'clock this day, go in procession to the Dutch Lutheran church, and return thanks to Almighty God, for crowning the allied arms of the United States and France, with success, by the surrender of the whole British army under the command of the Earl of Cornwallis.

*Ordered,* That the letter, with the papers enclosed, be referred to the Committee of Intelligence.

*Resolved,* That the letter of General Washington, of the 19, enclosing the correspondence between him and the Earl Cornwallis, concerning the surrender of the garrisons of York and Gloucester, and the articles of capitulation, be referred to a committee of four: the members, Mr. [Edmund] Randolph, Mr. [Elias] Boudinot, Mr. [James Mitchell] Varnum, Mr. [Daniel] Carroll.

*Resolved,* That it be an instruction to the said committee, to report what in their opinion, will be the most proper mode of communicating the thanks of the United States in Congress assembled, to General Washington, Count de Rochambeau and Count de Grasse, for their effectual exertions in

accomplishing this illustrious work; and of paying respect to the merit of Lieutenant Colonel Tilghman, aid-de-camp of General Washington, and the bearer of his despatches announcing this happy event:

*Ordered*, That the secretary of foreign affairs communicate this intelligence to the hon. the Minister Plenipotentiary of France.[1]

Adjourned to 10 o'Clock to Morrow.

## THURSDAY, OCTOBER 25, 1781

A letter, of 16, from General Washington, with sundry papers enclosed, was read:[2]

*Ordered*, That the same be referred to the committee on the letter of 19; and that they, together with the general's letters, of 1 and 12th, be also referred to the Committee of Intelligence.

A report from the committee of the week was read; Whereupon,

The Committee of the week report,

That a letter of Rob$^{t}$ Johnson Deputy Purveyor of the Southern Department requesting relief for the Gentlemen of his Department; the Petition of Cap$^{t}$ Joseph Traversier praying for the pay and subsistance due to him; the letter of R. G. Livingston praying for so much pay as will enable him to join his Reg$^{t}$; the Petition of Thomas Bond and others officers of the medical Department; the Petition of John Dealy praying for a discharge from the army; the Letter from Doctor Halling requesting the pay due to him, and to know whether he is considered as retiring from the service; be referred to the Board of War.

[1] This paragraph was also entered in the manuscript Secret Journal, Foreign Affairs. Washington's letter is in the *Papers of the Continental Congress*, No. 152, X, folio 289. It is printed in *The Writings of Washington* (Ford), IX, 386.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, X, folio 269. It is printed in *The Writings of Washington* (Ford), IX, 382.

That the Petition of Jn° Clark be referred to a special Comm^ee.[1]

*Ordered*, That a letter, of 19, from Solomon Halling;

One, of 20, from Robert Johnston;

One, of 25, [23] from Robert J. Livingston;

One, of 20th, from Thomas Bond; and

The petitions of Joseph Traversier and John Dealy; be referred to the Board of War;

That a petition of John Clarke be referred to a committee of three:

The members, Mr. [Joseph] Montgomery, Mr. [Abraham] Clark, Mr. [Edward] Telfair.

A letter, of 24, from William Govett was read, signifying his acceptance of the office of an Auditor.

A letter, of 22, from Major General Heath, was read:

*Ordered*, That it be referred to the superintendant of finance to take order.

A motion was made by Mr. [Arthur] Middleton, seconded by Mr. [Isaac] Motte,

That General Washington be directed to detain Earl Cornwallis, and the officers captured in the garrisons of York and Gloucester, till the further order of Congress.

On the question to agree to this, the yeas and nays being required by Mr. [Arthur] Middleton,

| | | | | | |
|---|---|---|---|---|---|
| *Massachusetts*, | | | *Connecticut*, | | |
| Mr. Lovell, | no | | Mr. Sherman, | no | |
| Partridge, | no | no | Law, | no | no |
| Osgood, | no | | *New Jersey*, | | |
| *Rhode Island*, | | | Mr. Witherspoon, | no | |
| Mr. Mowry, | no | * | Clark, | no | no |
| | | | Boudinot, | no | |

[1] This report, in the writing of George Partridge, is in the *Papers of the Continental Congress*, No. 32, folio 277. Johnston's letter is in No. 78, XIII, folio 281; Traversier's petition, dated October 21, 1781, is in No. 42, VII, folio 426; Livingston's letter is in No. 78, XIV, folio 499; Bond's petition is in No. 78, IV, folio 265; Dealy's, dated October 18, 1781, is in No. 42, II, folio 299; Halling's letter, of October 19, is in No. 78, XII, folio 189; Clark's petition, dated October 22, 1781, is in No. 42, II, folio 146.

| | | | | | |
|---|---|---|---|---|---|
| *Pennsylvania,* | | | *North Carolina,* | | |
| Mr. Montgomery, | no | no | Mr. Hawkins, | no | * |
| Atlee, | no | | *South Carolina,* | | |
| Smith, | no | | Mr. Mathews, | ay | ay |
| *Maryland,* | | | Middleton, | ay | |
| Mr. Hanson, | no | no | Motte, | ay | |
| Carroll, | no | | Eveleigh, | ay | |
| *Virginia,* | | | *Georgia,* | | |
| Mr. Jones, | no | no | Mr. Telfair, | no | div. |
| Madison, | no | | N. W. Jones, | ay | |
| Randolph, | no | | | | |

So it passed in the negative.

Adjourned to 10 o'Clock to Morrow.

## FRIDAY, OCTOBER 26, 1781

The committee of the week made report; Whereupon,

The Committee of the Week, Report,

That the memorial of Col? Hay praying for allowance for Depreciation &c. be referred to the Board of War, and that the Letter from Resolve Smith with the Copy of the oath therein referred to upon the vindication of his character, be read in Congress.[1]

*Ordered,* That a memorial of Colonel Hay be referred to the Board of War.

A letter, of 24, from Resolve Smith, was read.

The committee, ||consisting of Mr. Witherspoon, Mr. Montgomery, Mr. Varnum, Mr. Sherman,|| appointed to prepare a recommendation for setting apart a day of public thanksgiving and prayer, reported the draught of a proclamation, which was agreed to as follows:

### PROCLAMATION

Whereas, it hath pleased Almighty God, the ~~supreme Disposer of all Events,~~ father of mercies, remarkably to assist and support the United States of America in their important struggle for liberty,

[1] This report, in the writing of George Partridge, is in the *Papers of the Continental Congress,* No. 32, folio 279; Hay's memorial, dated October 25, 1781, is in No. 78, XII, folio 193; Smith's letter is in No. 78, XXI, folio 137.

against the long continued efforts of a powerful nation: it is the duty of all ranks to observe and thankfully acknowledge the interpositions of his Providence in their behalf. Through the whole of the contest, from its first rise to this time, the influence of divine Providence may be clearly perceived in many signal instances, of which we mention but a few.

In revealing the councils of our enemies, when the discoveries were seasonable and important, and the means seemingly inadequate or fortuitous; in preserving and even improving the union of the several states, on the breach of which our enemies placed their greatest dependence; in increasing the number, and adding to the zeal and attachment of the friends of Liberty; in granting remarkable deliverances, and blessing us with the most signal success, when affairs seemed to have the most discouraging appearance; in raising up for us a powerful and generous ally, in one of the first of the European powers; in confounding the councils of our enemies, and suffering them to pursue such measures as have most directly contributed to frustrate their own desires and expectations; above all, in making their extreme cruelty ~~of their officers and soldiers~~ to the inhabitants of these states, when in their power, and their savage devastation of property, the very means of cementing our union, and adding vigor to every effort in opposition to them.

And as we cannot help leading the good people of these states to a retrospect on the events which have taken place since the beginning of the war, so we ~~beg~~ recommend in a particular manner ~~that they may observe and acknowledge~~ to their observation, the goodness of God in the year now drawing to a conclusion: in which

~~A mutiny in the American Army was not only happily appeased but became in its issue a pleasing and undeniable proof of the unalterable attachment of the people in general to the cause of liberty since great and real grievances only made them tumultuously seek redress while they abhorred the thoughts of going over to the enemy; in which~~ the Confederation of the United States has been completed ~~by the accession of all without exception~~ in which there have been so many instances of prowess and success in our armies; particularly in the southern states, where, notwithstanding the difficulties with which they had to struggle, they have recovered the whole country which the enemy had overrun, leaving them only a post or two ~~upon~~ on or near the sea: in which we have been so powerfully and effectually assisted by our allies, while in all the conjunct operations the

most perfect ~~union and~~ harmony has subsisted in the allied army: in which there has been so plentiful a harvest, and so great abundance of the fruits of the earth of every kind, as not only enables us easily to supply the wants of the army, but gives comfort and happiness to the whole people: and in which, after the success of our allies by sea, a General of the first Rank, with his whole army, has been captured by the allied forces under the direction of our ~~illustrious~~ Commander in Chief.

It is therefore recommended to the several states to set apart the 13th day of December next, to be religiously observed as a Day of Thanksgiving and Prayer; that all the people may assemble on that day, with grateful hearts, to celebrate the praises of our gracious Benefactor; to confess our manifold sins; to offer up our most fervent supplications to the God of all grace, that it may please Him to pardon our offences, and incline our hearts for the future to keep all his laws; to comfort and relieve all our brethren who are in distress or captivity; to prosper our husbandmen, and give success to all engaged in lawful commerce; to impart wisdom and integrity to our counsellors, judgment and fortitude to our officers and soldiers; to protect and prosper our illustrious ally, and favor our united exertions for the speedy establishment of a safe, honorable and lasting peace; to bless all seminaries of learning; and cause the knowledge of God to cover the earth, as the waters cover the seas.[1]

A motion was made by the delegates of Virginia:

That inasmuch as it appears ~~upon a review of the past proceedings of Congress, and particularly of~~ from the journal of the 27 of November, 1775; the 28 of July, the 12th of August, the 12 of September, the 10th and 20th of October, and the 2 November, 1778; the 22 and 26 January, the 16 and 23 February, the 1st of March, the 15 of April, the 11 and 28 of May, the 1st of June, the 5 and 28 of July, the 27 of September, the 20 and 22 December, 1779; that after orders for referring papers to a committee, or for the re-commitment of a report, it was expressly provided in some of the preceding instances, that the committee should be instructed, in others that they should be directed, and in others that

[1] This report, in the writing of John Witherspoon, is in the *Papers of the Continental Congress*, No. 24, folio 463.

they should be authorised to hear evidence, and reduce to writing such parts thereof as they should think proper, to confer with persons not members of Congress, or to send for persons or papers: and as it appears to be the usage of Congress, in cases of moment or difficulty, or in which it may be their pleasure that committees should have recourse to documents, proofs or evidence, other than those which are to be found among the records, or on the files of Congress, to instruct them specially for this purpose; and as the delegates of Virginia, having received notice from the committee to whom was re-committed the report on the cessions of Connecticut, New York, and Virginia, and on the memorials of the Vandalia, Illionois, Ouabache, and Indiana companies, that they should confer with the agents thereof, on a day now past, did, for the reasons assigned in their motion of the 16th, request the said committee to postpone such conference until the sense of Congress should be taken, how far they were warranted by the terms of their appointment to enter thereon:

It be declared, that the re-commitment of the said report, does not authorise the said committee to admit counsel, or to ~~have recourse to~~ hear documents, proofs, or evidence, not among the records, nor on the files of Congress, which have not been specially referred to them.[1]

On the question to agree to this, the yeas and nays being required by the delegates of Virginia,

| | | | | | |
|---|---|---|---|---|---|
| *Massachusetts,* | | | *New Jersey,* | | |
| Mr. Partridge, | no | no | Mr. Witherspoon, | no | no |
| Osgood, | no | | Clark, | no | |
| *Rhode Island,* | | | Boudinot, | no | |
| Mr. Mowry, | no | * | Elmer, | no | |
| *Connecticut,* | | | *Pennsylvania,* | | |
| Mr. Sherman, | no | no | Mr. Montgomery, | no | no |
| Law, | no | | Clymer, | no | |

[1] This motion, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress*, No. 36, I, folio 229.

| | | | | | |
|---|---|---|---|---|---|
| *Maryland,* | | | *South Carolina,* | | |
| Mr. Hanson, | no | no | Mr. Middleton, | ay | ay |
| Carroll, | no | | Motte, | ay | |
| *Virginia,* | | | Eveleigh, | ay | |
| Mr. Madison, | ay | ay | *Georgia,* | | |
| Randolph, | ay | | Mr. Telfair, | ay | ay |
| *North Carolina,* | | | N. W. Jones, | ay | |
| Mr. Hawkins, | ay | * | | | |

So it passed in the negative.

The committee to whom was referred the letter, of 19th, from General Washington, delivered in a report.

Adjourned to 10 o'Clock on Monday.

## MONDAY, OCTOBER 29, [1781]

A letter, of 24, from Major General Heath, was read.[1]

The committee of the week was elected:

Mr. [Samuel] Osgood, Mr. [Nicholas] Eveleigh, Mr. [James] Madison.

The report of the Committee of Commerce on the memorial of D. Clarke in behalf of O. Pollock was taken into consideration, and after debate:

*Ordered,* That it be referred to the committee on the letter, of 17th September, from J. Seagrove.

On motion of Mr. [George] Clymer, seconded by Mr. [Samuel] Osgood:

*Ordered,* That the Committee of Commerce deliver the books and papers of their department to the comptroller of accounts; and that thereupon, they be discharged.

The committee of the week made report; Whereupon,

*Ordered,* That a letter, of 24, from G. Melven, with the accounts enclosed, be referred to the comptroller of accounts;

That a letter, of 24, from Jacob Schreiber, captain engineer, be referred to the Board of War;

[1] This letter is in the *Papers of the Continental Congress,* No. 157, folio 351.

That so much of a memorial of James Willing as relates to the settlement of his accounts be referred to the comptroller, and so much as relates to a military commission be referred to the Board of War.[1]

A report of the Board of War on the petition of Joseph Traversie was read; Whereupon,

AT A BOARD OF WAR *October 27, 1781.*

Present Mr Peters
General Cornell

The Board on the reference of the letter from Joseph Traversier stiling himself *Captain in the service of the United States on the Canadian establishment* beg leave report,

That they are unacquainted with any such establishment as that recited in the petition of Mr Traversier whose claims to rank were formerly examined into and on the report of the Board on the 23rd Nov. 1780 Congress were pleased to resolve,

"That it was inexpedient to give him any military rank in the army of the United States."

Mr Traversier is a Canadian Refugee and has the same merit with others of his Countrymen who have abandoned their possessions, superadded to which he has been employed on secret service and so far as we have heard has conducted himself with fidelity. He has drawn rations on this account by orders from Genl. Gates as we believe.

We presume however that it was the intention of Congress to comprehend the cases of all the Canadians in their resolve of the 18th instant wherefore we take the liberty to propose, that Mr Traversier be informed that his request for pay cannot be complied with, and that all the emoluments he derives from the United States are to cease after the first day of December next.[2]

*Resolved,* That Congress agree to the said report, and that the Board of War take order thereon.

The committee, ||consisting of Mr. Randolph, Mr. Boudinot, Mr. Varnum, Mr. Carroll,|| to whom were referred the

[1] This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 32, folio 281. Schreiber's letter is in No. 78, XXI, folio 141; Willing's memorial is in No. 42, VIII, folio 237.

[2] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 413.

letters of 16 and 19, from General Washington, delivered in a report, which was taken into consideration; and Thereupon,

*Resolved*, That the thanks of the United States in Congress assembled, be presented to General Washington, for ~~the expedition,~~ eminent services which he has ~~with which he led the allied forces of America and France against the British Army under the command of the Earl of Cornwallis, for his arrangements, vigor, personal attention, and military ability in the course of his operations,~~ and for the prudence and wisdom of the capitulation.

Recommitted

*Resolved*, That the thanks of the United States in Congress assembled, be presented to his excellency General Washington, for the eminent services which he has rendered to the United States, and particularly for the well concerted plan against the British garrisons in York and Gloucester; for the vigor, attention and military skill with which that plan was executed; and for the wisdom and prudence manifested in the capitulation:

That the thanks of the United States in Congress assembled, be presented to his excellency the Count de Rochambeau, for the cordiality, zeal, judgment and fortitude, with which he seconded and advanced the progress of the allied army against the British garrison in York:

That the thanks of the United States in Congress assembled be presented to his excellency Count de Grasse, for his display of skill and bravery in attacking and defeating the British fleet off the Bay of Chesapeake, and for his zeal and alacrity in rendering, with the fleet under his command, the most effectual and distinguished aid and support to the operations of the allied army ~~in the reduction of the British Army under the command of the Earl of Cornwallis~~ in Virginia:

That the thanks of the United States in Congress assembled, be presented to the commanding and other officers of the corps of artillery and engineers of the allied army, who sustained extraordinary fatigue and danger in their animated and gallant approaches to the lines of the enemy.

That General Washington be directed to communicate to the other officers and the soldiers under his command, the thanks of the United States in Congress assembled, for their conduct and valor on this occasion:[1]

*Resolved,* That the United States in Congress assembled, will cause to be erected at York, in Virginia, a marble column, adorned with emblems of the alliance between the United States and his Most Christian Majesty; and inscribed with a succinct narrative of the surrender of Earl Cornwallis to ~~the allied army under the command of general Washington and Count de Rochambeau, in conjunction with the fleet under the command of the Count de Grasse.~~ [his excellency General Washington, Commander in Chief of the combined forces of America and France; to his excellency the Count de Rochambeau, commanding the auxiliary troops of his Most Christian Majesty in America, and his excellency the Count de Grasse, commanding in chief the naval army of France in the Chesapeake

*Resolved,* That two stands of colours taken from the British army under the capitulation of York, be presented to his excellency General Washington, in the name of the United States in Congress assembled.][2]

*Resolved,* That two pieces of the field ordnance, taken from the British army under the capitulation of York, be presented by the Commander in Chief of the American army to Count de Rochambeau; and that there be engraved thereon a short memorandum, that Congress were induced to present them from considerations of the illustrious part which he bore in effectuating the surrender.

[1] The following paragraph follows this in the rough draft:

~~"*Resolved,* That the United States in Congress assembled entertain a proper sense of the readiness and attention exhibited by Lieutenant Colonel Laurens and the Viscount de Noailles in forming and settling the terms of capitulation."~~

[2] The draft presented this paragraph as an alternative proposition.

*Resolved,* That the secretary of foreign affairs be directed to request the Minister Plenipotentiary of his Most Christian Majesty, to inform his Majesty, that it is the wish of Congress, that Count de Grasse may be permitted to accept a testimony of their approbation, similar to that to be presented to Count de Rochambeau.[1]

*Resolved,* That the Board of War be directed to present to to Lieutenant Colonel Tilghman, in the name of the United States in Congress assembled, a horse properly caparisoned, and an elegant sword, in testimony of their high opinion of his merit and ability.[2]

[1] The substance of the resolutions of thanks to Washington, Rochambeau and de Grasse were also entered in the manuscript Secret Journal, Foreign Affairs.

[2] This report, in the writing of Edmund Randolph, except the portion in brackets which is in Charles Thomson's hand, is in the *Papers of the Continental Congress*, No. 19, VI, folio 359b and 361[-1]. The rough draft, also in Randolph's hand, is on folio 359a.

The committee also made the following report. It is on folio 363 and is in Randolph's writing:

The Committee to whom the letter of Gen[l] Washington of the 19[th] instant was, among other papers, referred, report the substance of a conference between them and Col[o] Tilghman:

Col[o] Tilghman having left the American Camp on the day succeeding the completion of the capitulation, could not render a precise answer to the several questions addressed to him. The information which he did give, was in general terms, and the Committee therefore report, that, as a more particular account may be soon expected nothing of the present communication should be noticed in the journal of Congress, or published.

Your Committee have learnt from that gentleman, who principally relies upon information received from others,

That altho' Count de Rochambeau is a party to the capitulation, he voted in the character of a general officer only: but that according to military rule, Count de Grasse had the right of subscription.

Article 1. That the number of seamen was not ascertained at the time of his departure, but is probably small—that the vessels amount to about 100 Sail, fifty of which may be called transports: that among the shipping, are the *Guadaloupe,* a frigate of 28 guns, and the *Bonetta* Sloop of War, with two or three other armed vessels: that most of them are sunk, but can easily be raised: that the prisoners taken on the 14[th] instant are considered as in the disposal of the United States

Article 2. That the quantity of Artillery was not known, but is probably small; the heavy ordnance being only one 24 pounder, and eighteen 18 pounders, which were taken from the *Charon:* that it is not known whether there are any spare arms: that there is no reason to believe that there is any military chest: that he was informed by

The committee, ||consisting of Mr. Varnum, Mr. Middleton, Mr. Atlee,|| to whom were referred the letters from Major General Greene, delivered in a report, which was taken into consideration; and Thereupon,

*Resolved*, That the thanks of the United States in Congress assembled, be presented to Major General Greene, for his

Col: Blaine, that he had inventoried fifty bushels of salt, 600 barrels of beef and pork, 500 barrels of bread, 400 barrels of flour and 1300 gallons of rum.

Article 3. That the destination of the prisoners was not ascertained, but will probably be at Winchester in Virginia, and Frederick-Town in Maryland—that the Cavalry amount to about 280 including the officers' horses: that their accoutrements are ordinary: that the enemy killed about 1000 horses upon the appearance of investment; and 22 Stands of Colors have been received from them under the capitulation.

Article 4. That this article was intended to include slaves principally, it being supposed, that the lesser plunder would be secreted, or had probably been sent off; that 2000 negroes had perished in the garrison, and the number surviving was not great.

Article 5. That the provisions to be furnished to the British prisoners, are to be accounted for by the enemy, upon a general settlement, altho' no special stipulation is made to that effect.

Article 6. That the intelligence of Digby's expedition reached the Count de Grasse on the 16th instant: upon which he wrote to the General that he was obliged to take his marines amounting to 700, and the Marquis St Simon's corps amounting to 3000 rank and file: that the loss of these men would have too much weakened the allied army, and the removal of the fleet dispirited them—that the balance of captive officers was considerably against the United States before the capitulation—that a cartel and tariff have been already adjusted between Genl Washington and Sir H. Clinton, and that it might be injurious to the American cause to scatter the British officers throughout the country.

Article 7. That this article is agreeable to military custom.

Article 8. That altho' deserters or traitors might be covered under the garb of soldiers, the opportunity would have been as great upon sailors only being suffered to go in the *Bonetta*

Article 9. That by traders are meant the mercantile followers of the army, who are not citizens of the United States.

Article 10. That there are very few disaffected refugees in York, and this article was answered as it was, merely to shew the confidence to be placed in the British by tories.

Article 11. That the enemy have in their hospitals about 2000 sick and wounded.

~~Article 12. That there is no baggage of consequence.~~

Articles 13 and 14 speak for themselves.

Colo Tilghman added, that it is supposed that Lord Cornwallis had not at the time of capitulation above six hours' ammunition.

wise, decisive and magnanimous conduct in the action of the 8th of September last, near the Eutaw Springs, in South Carolina; in which, with a force inferior in number to that of the enemy, he obtained a most signal victory ~~over the British army commanded by Colonel Stewart~~:

That the thanks of the United States in Congress assembled, be presented to the officers and men of the Maryland and Virginia brigades, and Delaware battalion of continental troops, for the unparallelled bravery and heroism by them displayed, in advancing to the enemy through an incessant fire, and charging them with an impetuosity and ardor that could not be resisted:

That the thanks of the United States in Congress assembled, be presented to the officers and men of the legionary corps and artillery, for their intrepid and gallant exertions during the action:

That the thanks of the United States in Congress assembled, be presented to the brigade of North Carolina, for their resolution and perseverance in attacking the enemy, and sustaining a superior fire:

That the thanks of the United States in Congress assembled, be presented to the officers and men of the state corps of South Carolina, for the zeal, activity and firmness by them exhibited throughout the engagement:

That the thanks of the United States in Congress assembled, be presented to the officers and men of the militia, who formed the front line in the order of battle, and sustained their post with honor, propriety and a resolution worthy of men determined to be free.

~~Resolved, That two pieces of field Ordnance be presented to Major General Greene by the Commander in Chief, with a motto engraved "from the United States in Congress Assembled to Major Gen$^{l}$ Greene, in honour of the Victory obtained under his Command near the Eutaw Springs in S$^{o}$ Carolina on the 8$^{th}$ September A. D. 1781.~~

*Resolved*, That a Sword be presented to Colº. Williams of the Maryland line for his great military skill and uncommon exertions on this occasion.

*Resolved*, That a British standard be presented to Major General Greene, as an honorable testimony of his merit, and a golden medal emblematical of the battle and victory aforesaid:

That Major General Greene be desired to present the thanks of Congress, to Captains Pierce and Pendleton, Major Hyrne and Captain Shubrick, his aids de camp, in testimony of their particular activity and good conduct during the whole of the action:

That a sword be presented to Captain Pierce, who bore the general's despatches, giving an account of the victory, and that the Board of War take order herein.

*Resolved*, That the thanks of the United States in Congress assembled, be presented to Brigadier General Marion, of the South Carolina militia, ~~and the officers and men under his Com~~ for his wise, gallant and decided conduct, in defending the liberties of his country; and particularly for his prudent and intrepid attack on a body of the British troops, on the 30th day of August last; and for the distinguished part he took in the battle of the 8th of September.[1]

Adjourned to 10 o'Clock to Morrow.

## TUESDAY, OCTOBER 30, 1781

A letter, of 29, from the secretary of foreign affairs was read, requesting to be admitted to examine and copy from such books of a secret nature in the Secretary's office as may in any wise relate to the department of foreign affairs:[2]

[1] This report, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress*, No. 19, II, folios 471 to 477.

A memorial from Bayard Ricard & Co. was read. It is in the *Papers of the Continental Congress*, No. 41, I, folio 367.

[2] This paragraph and the following resolution were also entered in the manuscript Secret Journal, Foreign Affairs.

*Resolved*, That his request be granted.

The committee of the week made report; Whereupon,

*Ordered*, That the petition of Absalom Baird be referred to the comptroller for adjustment of his account;

That the petition of Nathan Bush be referred to the comptroller.[1]

A report from the Board of War on the petition of Lieutenant Colonel Cambray was read; Whereupon,

WAR OFFICE *October 26th 1781.*

SIR,

The Board have been honored with a reference of the letter from Lt. Col. du Cambray and in conversing with that gentleman, it appears that his sole motive for asking leave to go to Europe is on account of his destitute situation with respect to money. He is a very deserving officer, and we wish it were in our power to point out any mode by which he can be relieved. His accounts may be settled by the Comptroller, as he is comprehended in the resolve of Congress prescribing the mode of settling accounts of officers not belonging to any State. But as to his requisition for a sum in part of the balance due him we conceive it would introduce such a number of claims for a like treatment that we cannot think it expedient to recommend the measure. He is entitled to three months real pay as an officer captivated at Charlestown and this will put him on a footing with other officers captivated there so far as present exigencies will permit.[2]

*Ordered*, That the accounts of Lieutenant Colonel Cambray be settled by the comptroller.

Another report of the Board of War on the memorial of Lieutenant Colonel S. Hay was read; Whereupon,

AT A BOARD OF WAR *October 29. 1781.*

Present, Mr Peters
General Cornell

The Board beg leave to report on the Memorial [of] Lieut. Col. Samuel Hay,

[1] This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 32, folio 283.

[2] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 417.

That it appears to the Board that the request of Col. Hay to receive a sum in specie equal to the value of the sums mentioned in the Warrants enclosed in his Memorial or a sum in new bills equal to the value of his pay cannot be complied with consistent with present circumstances. Congress will be pleased to advert to the difficulties attendant on the advance of money to officers, whose services are absolutely necessary for the operations of the war. If added to this those who have retired are also to be paid, there is an end of any farther exertions that depend upon money. There is no doubt but that justice should be done to all persons who have served faithfully, and among that number, we can with great truth and propriety rank the memorialist. But the time of doing them justice should be well considered. If Col. Hay is paid, there will be claims from every one in his situation. Few if any of them are paid. Many of them have warrants and all are entitled to the balances due them. We therefore submit the matter to Congress, with this farther observation that those who have no warrants will conceive that the accidental circumstance of the memorialist having warrants makes no difference as to substantial justice.[1]

*Ordered,* That Lieutenant Colonel Hay be informed that his request cannot at present be complied with.

Congress proceeded to the election of a secretary at war; and, the ballots being taken, Major General Benjamin Lincoln was elected.

*Resolved,* That the commissioners of the Board of War be authorised and requested, to continue to exercise the duties of the war department, until the secretary at war enter upon the execution of his office.

The committee, ||consisting of Mr. Varnum, Mr. Boudinot, Mr. Hanson,|| to whom were referred the estimates of the Board of War delivered in a report; Whereupon,

*Resolved,* (by nine states,) That the respective states be called upon to furnish the treasury of the United States, with their quotas of the 8,000,000 of dollars, for the war department, and civil list, the ensuing year; to be paid quarterly

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 421.

in equal proportions, the first payment to be made on the first day of April next.

*Resolved*, That a committee, consisting of a member from each state, be appointed to apportion to the several states the quotas of the above sum.

The members, Mr. [Samuel] Livermore, Mr. [Samuel] Osgood, Mr. [James Mitchell] Varnum, Mr. [Roger] Sherman, Mr. [Elias] Boudinot, Mr. ~~Clymer~~ [Thomas] Smith, Mr. [Thomas] McKean, Mr. [John] Hanson, Mr. [Edmund] Randolph, Mr. ]Benjamin] Hawkins, Mr. [Thomas] Bee, Mr. [Edward] Telfair.

Adjourned to 10 o'Clock to Morrow.[1]

### [WEDNESDAY,] OCTOBER 31, 1781

Met and adjourned to 10 o'Clock to Morrow.

### THURSDAY, NOVEMBER 1, 1781

The committee, ||consisting of Mr. Hanson, Mr. Varnum, Mr. Clymer,|| to whom was referred a letter of September 1, from Major General Greene, with the copy of his letter to Colonel Campbell, and his commission to sundry persons to negotiate a treaty of peace with the Cherokee and Chickasaw Indians delivered in a report; Whereupon,

*Resolved*, That the appointment of commissioners by Major General Greene to negotiate a treaty of peace with the Cher-

[1] A memorial of the journeymen gunsmiths was presented about this date. It is in the *Papers of the Continental Congress*, No. 41, III, folio 475.

The following motion was made by James Mitchell Varnum this month, as the indorsement shows. It is in Varnum's writing and is in the *Papers of the Continental Congress*, No. 36, I, folio 233:

Whereas the Business of the United States now remaining unfinished, and that may probably occur for some time to come is principally of an executive Nature, and appertains to the ministerial Departments, be it therefore resolved, that on the Third Monday of November instant Congress will adjourn to the first Monday in March next then to convene at this Place. A new Congress will convene on Monday next; Quere, can this Congress pass a Resolution to bind their Decision in adjourning?

okee and Chickasaw Indians, and by that means to put a stop to the ravages of those nations, was a necessary and prudent measure, and that Congress approve of the same.

As to the other matters mentioned in General Greene's letter, your Committee request further time to report thereon.[1]

Adjourned to 10 o'Clock to Morrow.

## FRIDAY, NOVEMBER 2, 1781

A motion was made by the delegates of Virginia, that the resolution of yesterday, respecting the appointment of commissioners, to treat with the Cherokee and Chickasaw Indians, be repealed.

*Ordered*, That Thursday next be assigned for the consideration of the preceding motion; and that no copies of the resolution passed yesterday be delivered out before Monday the 12th instant.

A letter, of 28 September, from Colonel Arthur Campbell was read, inclosing a letter, of 20th of the same month, from Colonel Jo$^{s}$ Martin.[2]

The committee, ||consisting of Mr. Livermore, Mr. Osgood, Mr. Varnum, Mr. Sherman, Mr. Boudinot, Mr. Smith, Mr. McKean, Mr. Hanson, Mr. Randolph, Mr. Hawkins, Mr. Bee, and Mr. Telfair,|| appointed [to] apportion to the several states their respective quotas of the 8 millions of dollars voted by the resolution of the 30 of October last, delivered in a report, which was taken into consideration: when the quota of Connecticut was under consideration, a motion was made by Mr. ~~Jenifer~~ [Daniel] Carroll, seconded by Mr. ~~Carroll~~ [Daniel of St. Thomas] Jenifer,

"That ninety-three thousand four hundred dollars be added:"

[1] This report, in the writing of John Hanson, is in the *Papers of the Continental Congress*, No. 19, II, folio 479.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, VI, folio 55.

On which the yeas and nays being required by Mr. [Daniel] Carroll,

| | | | |
|---|---|---|---|
| *New Hampshire,* | | | |
| Mr. Livermore, | no | * | |
| *Massachusetts,* | | | |
| Mr. Lovell, | no | | |
| Partridge, | no | no | |
| Osgood, | no | | |
| *Rhode Island,* | | | |
| Mr. Mowry, | no | | |
| Varnum, | ay | div. | |
| *Connecticut,* | | | |
| Mr. Sherman, | no | | |
| Law, | no | no | |
| *New Jersey,* | | | |
| Mr. Clark, | ay | | |
| Boudinot, | no | div. | |
| *Pennsylvania,* | | | |
| Mr. Montgomery, | ay | | |
| Atlee, | ay | ay | |
| Smith, | no | | |
| *Delaware,* | | | |
| Mr. McKean, | no | * | |
| *Maryland,* | | | |
| Mr. Jenifer, | ay | | |
| Hanson, | ay | ay | |
| Carroll, | ay | | |
| *Virginia,* | | | |
| Mr. Jones, | no | | |
| Madison, | no | no | |
| Randolph, | no | | |
| *South Carolina,* | | | |
| Mr. Mathews, | ay | | |
| Middleton, | ay | ay | |
| Motte, | no | | |
| *Georgia,* | | | |
| Mr. Telfair, | no | | |
| N. W. Jones, | no | no | |

So it passed in the negative.

The report being farther considered,

*Resolved*, That the sum of eight millions of dollars, required to be raised [by the resolution of the 30th day of October last, be paid by the states in the following proportions:

| | | | |
|---|---|---|---|
| New Hampshire, | 373,598 | Maryland, | 933,996 |
| Massachusetts, | 1,307,596 | Virginia, | 1,307,594 |
| Rhode Island, | 216,684 | North Carolina, | 622,677 |
| Connecticut, | 747,196 | South Carolina, | 373,598 |
| New York, | 373,598 | Georgia, | 24,905 |
| New Jersey, | 485,679 | | |
| Pensylvania, | 1,120,794 | Dollars. | 8,000,000 |
| Delaware, | 112,085 | | |

That the said sums, when paid, shall be credited to the accounts of the several states on interest, to be hereafter

adjusted, agreeably to the resolution of the 6th of October, 1779:

~~That such proportion of the said sums may be paid in provisions and other articles of supplies for the army, to be delivered at such places within the respective states, and at such prices as the Superintendant of Finance shall appoint, and the remainder in Gold or Silver; and articles of the same kind and quality shall be credited to the several states at the same prices.~~

Repealed 3d Novr.

That certificates which may be given by the quarter-master general, or other officers properly authorised to give them, for supplies that shall hereafter be furnished, shall be accepted in payment of the aforesaid sums.

Repealed the 12th.

That such certificates for supplies heretofore furnished, shall be accepted from the states producing them in payment of what may be due on former requisitions.

*Resolved*, That it be recommended to the several states to lay taxes for raising their quotas of money for the United States, seperate from those laid for their own particular use, and to pass acts directing the collectors to pay the same to the commissioner of the loan office, or such other person as shall be appointed by the superintendant of finance, to receive the same within the State, and to authorise such receiver to recover the moneys of the collectors, for the use of the United States, in the same manner, and under the same penalties, as state taxes are recovered by the treasurers of the respective states, to be subject only to the orders of Congress, or the superintendant of finance.][1]

~~Resolved, That Congress consider the present mode of assigning the quotas of the several States according to the number of inhabitants as a temporary expedient.~~

~~Resolved, That all sums at any time paid by any State before the completion of the estimate of lands and their improvements directed to~~

[1] The portion in brackets was entered in the Journal by George Bond.

~~be made by the confederation shall be passed to the credit of such State, on the terms prescribed by the first article of a resolution of Congress of the 22d day of November 1777.~~ [1]

Adjourned to 10 o'Clock to Morrow.

## SATURDAY, NOVEMBER 3, 1781

A letter, of 27, and one of 30 October, from Major General Heath, were read, with sundry papers enclosed.[2]

A memorial and petition of Barn: Binney was read.[3]

A report of the committee of the week was read; Whereupon,

*Ordered*, That a letter of John Sprague in behalf of Brigadier General Reed, and the papers accompanying the same, be referred to the Board of War.[4]

On motion of Mr. [James Mitchell] Varnum, seconded by Mr. [John] Mathews, the resolution passed yesterday "That such proportion of the said sums may be paid in provisions &c." was reconsidered and repealed.

On motion of the committee to whom were referred the letter and petition of John Clarke:

*Ordered*, That the said committee be discharged.

A petition from the supreme executive council of the Commonwealth of Pensylvania was read, stating a matter of dispute between the said State and the State of Connecticut, respecting sundry lands lying on the east branch of the River Susquehanna, and praying a hearing in the premises, agreeably to the 9th article of the Confederation.

[1] This report, in the writing of Roger Sherman, except the last two paragraphs, which are in Edmund Randolph's writing, is in the *Papers of the Continental Congress*, No. 26, folio 313.

[2] The letter of October 27th is in the *Papers of the Continental Congress*, No. 157, folio 361; that of October 30th is on folio 371.

[3] This memorial and petition, dated November 3, 1781, is in the *Papers of the Continental Congress*, No. 41, I, folio 375.

[4] This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 32, folio 285; Sprague's letter, dated September 25, 1781, is in No. 78, XXI, folio 121.

The committee to whom the letters from the superintendant of finance relative to the hospital department; and

The Committee to whom the letters from the Superintendant of Finance relating to the Hospital Department was referred do report that they have fully considered the present state of the Hospital or Medical Department in the Army, and the several papers referred to them, and having taken the best advice and information in their power are of opinion that great oeconomical advantages to the public and very useful alterations to the sick and wounded, may be obtained by a regulation of the said Department in the following principles.

By destroying all distinctions between Hospitals and forming the whole Medical Department into one uniform Corps.

By establishing the direction of practice and Purveyorship entirely distinct and seperate vesting it in different hands.

By establishing the Superintendance of the Department in a Board of Surgeons, properly organized for that purpose and not in a single person.

By the promoting the use of regimental Hospitals, and preventing the crowding the sick together in General Hospitals.

By preventing every person concerned in Hospitals from trading and speculating in any manner whatever for private advantage and emolument.

By reducing the number of Surgeons and Mates of the General Hospitals.

Under the influence of these principles your Committee beg leave to Report the following Ordinance for constituting and arranging the Hospital Department.

An Ordinance for regulating the General Hospital, and Surgeons of the Army.

Be it ordained by the United States in Congress Assembled, That there shall be one Physician in Chief to the Army and Director of the Military Hospitals: ~~Thirteen~~ Twelve Surgeons and twenty ~~six~~ four Mates, for the General Hospital, a Surgeon and one Mate to every regiment; an Apothecary and two Assistants; and a Purveyor and one Assistant.

The Physician in Chief and the hospital Surgeons or any three of such Surgeons shall make a Medical Board, of which a field Officer to be appointed in the usual form shall sit as President; it shall meet

regularly once a month, by General order, or oftener if requisite. They shall examine regimental and examine and appoint all hospital Mates: and shall examine and recommend the ~~regimental and~~ hospital Surgeons, ~~and none but those recommended by the Board shall be appointed by Congress to vacancies,~~ and no person under the age of 21 years shall be appointed a Mate: It shall be the special duty of the said Board from time to time, to settle the proportions of regimental and hospital practice, and to make regulations accordingly. They shall prescribe the measures for supplying the sick effectually with medicines, stores, provisions &c. It shall also be their duty to make out proper estimates for the Purveyor, inspect his accounts and transactions, and regulate his plan of issues so as to prevent waste and extravagance. As often as required, the Director shall report to the Board a full state of all the Hospitals under his direction, and receive their Instructions. This Board shall enquire into all complaints brought against Officers of the Department: and present to a Court Martial, such as they may think deserving of censure. And this Board shall be authorized to digest rules and carry into execution, every thing relative to the Medical Department: Provided nevertheless, that no regulation of theirs be valid and take effect until issued in orders, with the consent and approbation of the Commander in Chief or the Commanding Officer of a seperate Department.

The Physician in Chief and Director shall have a general Superintendency and direction of practice, both in Camp and in hospitals. He shall always maintain an office near Head Quarters, so as to be ready, at all times, to consult and advise with the Commander in Chief: and to distribute the necessary advice and direction to the Surgeons with whom it shall be his duty to correspond. With the concurrence of the Commander in Chief he may establish such Hospitals as the service requires: and he shall dispose of the officers necessary to conduct them. In time of engagement or any emergency, he shall call into the field as many hospital Surgeons as the occasion requires; and by order of the General, may have assistance in hospitals, from the regimental Surgeons.

It shall also be the special duty of the Director, frequently to inspect all the hospitals under his direction; to see that they are managed with oeconomy and success: to correct all abuses; to suspend and bring to trial, delinquent Officers: and to make monthly returns of the sick to the Commander.

In the absence of the Director from Camp, the Surgeon eldest in appointment, who is present, shall do his duty.

Every Surgeon shall direct his own hospital agreeable to the regulations, from time to time adopted by Congress or the Medical Board, and communicated to him by the Director. He is hereby authorized to order from the Purveyor or his Assistant, or from the Commissaries and Quarter Masters of the Army, or to be purchased from the neighborhood, whatever is necessary and convenient for the sick: and shall be accountable for his conduct and success in practice, to the director; but shall not be dismissed the service without due form of trial.

When two or more Surgeons are on duty in one hospital, each shall act independently with respect to all matters relating to his own particular charge, and shall be accountable to the director only, or the Surgeon presiding in his stead. In case of dispute, with regard to any matter respecting the whole hospital, the Surgeon of senior appointment shall control, until the matter in dispute can be decided by the Director, or in his absence, the presiding Surgeon.

The regimental Surgeon shall give diligent attention to such regulations as may be established respecting their conduct, and shall manage the sick of their respective regiments accordingly: and shall also be accountable to the Physician in Chief as the common head of the Medical Department.

The Hospital and regimental Mates shall observe the direction of the Surgeons, and shall diligently perform all the reasonable duties required of them, for the recovery of the sick. They shall also make out returns of the sick, for the Surgeons respectively, agreeable to such forms as the director shall require.

The Apothecary and his Assistants shall receive prepare and deliver Medicines, Instruments and dressings, and other articles of his department, to the hospitals and Army, on orders, in writing, from the director or Surgeons. He shall appoint a proper number of Mates to assist him in his duty, and shall furnish one to every Hospital, where one is required by the Director.

All the Instruments delivered by whose order soever obtained, shall be paid for, at prime cost, by the Surgeon or Mate receiving them.

The Purveyor shall provide all necessary medicines, utensils and stores of every kind, that may be ordered by the Medical Board, for the delivery of which a written order from the Director or a hospital

Surgeon shall be his voucher. It shall also be his duty to pay all the Officers of the Hospital and every debt and expence of the sick after being duly certified. For these purposes he shall draw money from the Treasury agreeable to the estimates given him by the Medical Board. He shall settle his accounts of expenditure *in money* every three months, with the Auditors of accounts, and once a month, he shall lay a state of the *expenditure of stores* with the stock on hand, before the Medical Board.

The Purveyor shall direct the conduct of his Assistant, and by advice and order of the Medical Board shall appoint such other Assistants, Storekeepers and Clerks as the service may require.

In every hospital *the purveyor or his Assistant* shall appoint a steward: whose duty it shall be to purchase vegetables, straw and other small articles, to receive the stores and provisions for the use of the hospital and deliver them agreeable to the orders of the prescribing Surgeons. And although in his purchases and Issues he is to obey the orders of the prescribing Surgeons: yet for the faithful discharge of his Office, he is to be accountable to the Purveyor, and for this purpose he shall keep seperate accounts of all he receives from the Purveyors, Quarter Masters and Commissaries, and of what he purchases himself from the country; and shall render an account of all his Issues monthly, with his stock on hand, to the Purveyor; thus to enable the Purveyor to lay the whole monthly expence of the hospital, before the Medical Board. The Steward's vouchers shall express not only by whom ordered, but by whom received also. The Steward shall also receive the spare regimental arms, accoutrements and cloathing of each soldier admitted into the Hospital keeping entries of and giving receipts for every Article received, which when the soldier shall be discharged, shall be accounted for by the said Steward, with the Commanding Officer of the regiment to which such soldier belonged, or other proper person, and shall also take charge of the hospital cloathing. In every Hospital, the director or Senior Surgeon present, shall appoint a Matron and a proper number of nurses to be under the direction of the prescribing Surgeons, and paid by the Purveyor.

During the summer, when the Army is in the field, the Director shall institute a flying or field Hospital, in the rear of Camp, and appoint proper Surgeons to take direction of it, considering it always as a branch of the General Hospital and to have one common regulation and interest with it.

One Surgeon at least, whom the General may choose, shall always reside near head Quarters, to attend the General and Staff Officers, and to be in readiness for any emergency when a division or detachment of the Army is sent off, or in any manner becomes a distinct and seperate body from the Main Army, the Medical board shall nominate its proportion of Medical Staff of which the Surgeon eldest in appointment shall preside, with all the powers of Physician in Chief and director; and shall form a Medical board, to be authorized as before mentioned: and when two Armies unite, having each a seperate Board, one shall dissolve of course by direction of the Commanding Officer of the whole.

When Officers of the Line do duty in hospitals, the Medical board shall make rules for their conduct, that they may not interfere with the Surgeons, and they shall receive their instructions by General order.

That the Quarter Master General furnish the hospital Department, from time to time, as occasion may require with such a number of horses and wagons as may be necessary for removing the sick and wounded and for transporting the hospital stores, but that no other horses than those ~~allowed to be kept by~~ for which forage may be herein allowed to the Officers of the Department, be kept seperately and at the expence of the Department.

That no officer or other person employed in the hospital or Medical Department shall on any account whatever, be concerned in trade for his private emolument and advantage.

That no officer or other person in the hospital or Medical Department except the sick or wounded, be permitted to use any of the stores provided for the sick.

That the Physician in Chief, the Surgeons of the Hospital, Purveyor, Apothecary, Assistant Purveyor and Assistant Apothecary be appointed and Commissioned by Congress. The Regimental Surgeons and Mates to be appointed as heretofore.

That all the Officers in the Hospital or Medical Department shall be subjected to trial by Courts Martial for all offences in the same manner as officers of the Line of the Army.

That the pay and establishment of the Officers of the hospital Department and Medical Staff be as follows, payable in silver Spanish Milled dollars a 7/6 a dollar ~~or other money equivalent.~~

Physician in Chief and Director of the Military Hospitals 125 dollars per month 2 rations for himself and 1 for his servant per day and forage for 2 horses.

Surgeons of the General Hospital 90 dollars per month and 2 rations per day and forage for *two* horses.

Purveyor and Apothecary each 100 dollars per month.

Assistant Purveyor and Apothecary 50 dollars per month each.

Regimental Surgeons each 60 dollars per month, 1 ration per day and forage for one horse.

Surgeons' Mates in Hospitals 40 dollars per month and 1 ration per day.

Do in the Army 40 dollars per m° and 1 ration per day.

Steward for each Hospital 30 dollars per m° and 1 ration per day.

That none of the aforesaid Officers or other persons employed in any of the Hospitals be entitled to rations of provision or forage, when on furlough.

That the Physician in Chief be allowed a two horse covered wagon for transporting his baggage.

That the same allowance be made to the aforesaid Officers for retained rations as is allowed to officers of the line of the army; and also that each of them be annually entitled to draw Cloathing from the Stores of the Cloathier General in the same manner and under the same regulations as are established for Officers of the Line by a resolution of Congress of the 25 Nov^r 1779 and in like manner as has heretofore been used.

That the several Officers above mentioned (except Stewards) shall at the end of the War be entitled to a provision of Land in the proportions following viz: Physician in Chief to have the same quantity as a Brigadier General; the Surgeons, Purveyor and Apothecary of the Hospital the same as a Colonel; Regimental Surgeons and assistants to the Purveyor and Apothecary the same as a Major; Hospital and regimental Surgeon's Mates the same as a Captain.

That all former arrangements of the Hospital Department and all resolutions heretofore passed touching the same be repealed.[1]

The committee to whom were referred the cessions of New York, Virginia and Connecticut, and the petitions of the Indiana, Vandalia, Illionois and Wabach companies, delivered in their several reports.[2]

[1] This report is in the *Papers of the Continental Congress*, No. 22, folio 45.

[2] This report is in the list of postponed reports in the *Papers of the Continental Congress*, No. 31, folio 371[-3].

*Resolved,* That the resolutions passed yesterday be delivered to the superintendant of finance, to be by him forwarded to the several states.

*Resolved,* That the several matters now before Congress be referred over, and recommended to the attention of the United States in Congress assembled, to meet at this place on Monday next.

Advice being received that a messenger was arrived from head quarters with despatches, the President resumed the chair, and Colonel Humphry, one of the General's aids, was introduced, and delivered a letter from the General, dated 27 and 29 October, containing returns of prisoners, artillery, arms, ordnance and other stores, surrendered by the enemy, in their posts of York and Gloucester, on the 19 October; he also laid before Congress 24 standards taken at the same time, and a draught of those posts, with the plan of attack and defence, and then withdrew.

*Ordered,* That the returns be published, and that the letter, with the other papers enclosed, be referred to the committee to whom was referred the General's letter of 19 October.

[Adjourned to 10 o'Clock on Monday.]

## MONDAY, NOVEMBER 5, 1781

The following members attended from the State of

*New Hampshire,*
Mr. [Samuel] Livermore,
*Massachusetts,*
Mr. [James] Lovell,
[George] Partridge,
[Samuel] Osgood,
*Rhode Island,*
Mr. [Daniel] Mowry,
[James Mitchell] Varnum,
*Connecticut,*
Mr. [Richard] Law,
*New Jersey,*
Mr. [Abraham] Clark,
[Elias] Boudinot,
*Pennsylvania,*
Mr. [Joseph] Montgomery,
[Samuel John] Atlee,
T[homas] Smith,

*Maryland*,
Mr. [John] Hanson,
[Daniel of St. Thomas] Jenifer,
[Daniel] Carroll,
*Virginia*,
Mr. [James] Madison,
[Edmund] Randolph,
Jo[seph] Jones,
*North Carolina*,
Mr. [Benjamin] Hawkins,
*South Carolina*,
Mr. [Arthur] Middletown,
[John] Mathews,
[Thomas] Bee,
[Nicholas] Eveleigh,
[Isaac] Motte,
*Georgia*,
Mr. [Edward] Telfair,
N[oble] W[imberly] Jones.

Their credentials being read, Congress proceeded to the election of a President; and the ballots being taken, the hon^ble^ John Hanson was elected.

Credentials of delegates from the State of Newhampshire to Georgia inclusive (New York excepted) read in Congress November 5th, 1781.[1]

STATE OF NEW HAMPSHIRE } IN COUNCIL *January 18th 1781*

WHEREAS by a Vote of the Council and Assembly of this State of the 27th of June last the Hon^ble^ Maj^r^ General John Sullivan and George Atkinson Esq^r^ were chosen Delegates to represent this State in the Continental Congress for the Term of one year from and after the first day of November then next. Since which time the said George Atkinson Esq^r^ hath declined to accept of said trust. And it appearing Necessary that there should be two Delegates from this State at Congress as much of the time as possible.

THEREFORE, Voted that Samuel Livermore and Benjamin Bellows Esq^rs^ be, and they hereby are chosen Delegates to represent this State in Congress for the Term of one year from the date hereof unless sooner recalled or relieved by order of this State with all the powers and privileges heretofore given to any Delegates of this State at Congress. One of them as they shall agree to repair to Congress as soon as may be. And whenever General Sullivan (now at Congress) shall signify his desire of returning home, or should be recalled by

[1] Beginning with this day, the credentials were no longer spread upon the Journals, but were entered in a separate book, *Papers of the Continental Congress*, No. 179, *Record of Credentials*.

The originals of the credentials read this day are in the *Papers of the Continental Congress, Credentials of Delegates*.

order of this State, That then the other of said Delegates Imediately go forward and supply his place. And the said John Sullivan, Samuel Livermore and Benjamin Bellows, or either of them or any Two of them, in the absence of the other, or others, are hereby fully authorized and impowered to appear as agent, or agents for this State before Congress or any Court or Commissioners appointed by Congress, to hear and determine any or all the disputes between New Hampshire, New York, Massachusetts and the Inhabitants of a certain district known by the name of the New Hampshire Grants.

Sent down for Concurrence. E. THOMPSON *Secry*

In the house of Representatives Janry 19th 1781

The foregoing Vote was read and Concurred.

Wm WHIPPLE *Speakr P T*

Copy Examin'd by E. THOMPSON *Secry*

[Massachusetts]

COUNCIL CHAMBER *June 25th 1781*

SIR

I am directed to Inform you of your Election on Friday last, by the joint Ballot of the Honble Senate and House of Representatives as a Delegate to serve in Congress of the United States for one Year, to commence on the first Monday of November next

I am Sir with every Sentiment of esteem Your Honors very humble Servt

JOHN AVERY *Secy*

Honble JAMES LOVELL Esqr [1]

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

I certify That at the annual Election of Officers for the State aforesaid held at Newport on the First Wednesday in May last The Hon'ble William Ellery, Ezekiel Cornell, Daniel Mowry and James Mitchel Varnum Esquires were chosen Delegates to represent the said State in the Congress of the United States of America for One Year.

Witness my Hand this Thirtieth
Day of June A. D. 1781 and in
the Fifth Year of Independence.

HENRY WARD *Secry*

[1] The same credentials, *mutatis mutandis*, to George Partridge and Samuel Osgood.

At a General Assembly of the Governor and Company of the State of Connecticut holden at Hartford in said State on the second Thursday of May A Dom 1781.

THIS DAY being appointed by the Law of this State for the Choice of Delegates to represent this State at the Congress of the SEAL United States Proclamation was now made and then the Votes of the Freemen were given in to the Persons appointed by the Assembly to receive Sort and count them and declare the Names of the Persons legally Chosen to the Office aforementioned, which Persons so appointed were Abraham Davenport Esq$^{r}$ M$^{r}$ Chester, Cap$^{t}$ Parsons Col$^{o}$ Worthington Doct$^{r}$ Mead M$^{r}$ Felck and M$^{r}$ Hezekiah Fitch who were sworn to a faithfull Discharge of that Trust.

AND THE VOTES of the Freemen being brought in sorted and Counted Samuel Huntington Esq$^{r}$, Oliver Elsworth Esq$^{r}$ Richard Law Esq$^{r}$, Oliver Wolcott Esq$^{r}$ Jesse Root Esq$^{r}$ Benjamin Huntington Esq$^{r}$, Andrew Adams Esq$^{r}$ were elected and publickly declared to be Delegates, to represent this State in the Congress of the United States according to Law.

A true Copy from the public
Records of the State of Connecticut
Examin$^{d}$

By GEORGE WYLLYS *Secrety.*

STATE OF NEW JERSEY *Nov$^{r}$ 2$^{d}$ 1781*

The Council and Assembly met in Joint Meeting at Trenton, and proceeded to the election of five Delegates to represent this State in Congress and the Votes being taken, The honorable

ABRAHAM CLARK
WILLIAM CHURCHILL HOUSTON
JONATHAN ELMER
ELIAS BOUDINOT and
SILAS CONDICT Esquires were duly elected.

*Resolved therefore* That the said Abraham Clark, William Churchill Houston, Jonathan Elmer, Elias Boudinot and Silas Condict Esquires, or any two or more of them be impowered to represent and vote in behalf of this State in the Congress of the United States of North America from the fifth day of November next until the fifth day of November in the Year of our Lord One thousand seven hundred and eighty two, unless a new Appointment shall sooner take place. It is Nevertheless expected that three of the Delegates do constantly attend in Congress unless prevented by sickness or other accident.

By Order of Joint Meeting
JN$^{O}$ STEVENS, *Chairman.*

STATE OF PENNSYLVANIA.
IN GENERAL ASSEMBLY,
*Thursday 23d November 1780 A. M.*

*Resolved*, That the number of Delegates to represent this State in Congress, for the ensuing year, be five.

The House then proceeded to the election of the Delegates aforesaid; and the ballots being taken it appeared, that the honorable Joseph Montgomery, Samuel Atlee, George Clymer, Henry Wynkoop and Thomas Smith, (of the county of Bedford) Esquires, were duly elected and chosen.

Extract from the Minutes,
SAMUEL STERETT, *Clerk.*

IN THE GENERAL ASSEMBLY OF THE
DELAWARE STATE, AT NEW CASTLE,
*Saturday, A. M. February 10. 1781.*

The Council and House of Assembly, having met in the State-House, agreeable to the Order of the Day, proceeded, by joint Ballot, to the Election of Delegates to represent this State in the Congress of the United States of America, for the ensuing year, and the Box containing the Ballots being examined, The Honorable Thomas Rodney, Thomas M^c^Kean and Nicholas Vandyke, Esquires, are declared duly elected.

Extract from the Minutes,
JA^S^ BOOTH *Clk of Assembly*[1]

MARYLAND, ANNAPOLIS *3 Feb. 1781.*

We hereby certify that John Hanson, Daniel of S^t^ Thomas Jenifer, Daniel Carroll and Richard Potts Esquires are elected Delegates to represent this State in Congress for the Year One thousand seven hundred and Eighty one.

JA. MACCUBBIN *Cl. Sen.*
F. GREEN *Cl Ho Del.*

VIRGINIA to wit,
In General Assembly

THURSDAY *the 14th June 1781.*

RESOLVED that James Madison, Edmund Randolph, Joseph Jones, Theodorick Bland and John Blair Esquires be appointed Delegates to represent this Commonwealth in Congress, for one Year from the first

[1] Delaware is not mentioned in the Journal as attending November 5, but the credentials are entered in the *Papers of the Continental Congress* No. 179, *Record of Credentials*, as having been read on that day.

Monday in November next; they having been so elected by joint ballot of both Houses of Assembly.

(Signed) ARCHIBALD CARY *Sp: Senate*
BENJAMIN HARRISON *Sp: H. D.*

A Copy,
JOHN BECKLEY *C. H. D.*

THE STATE of North Carolina to William Sharpe Samuel Johnston Ephraim Brevard and Benjamin Hawkins esquires

Whereas it appears on Record that you the said William Sharpe, Samuel Johnston, Ephraim Brevard and Benjamin Hawkins at a Session of the General Assembly held at Wake Court House in the said State in the Months of June and July in this present Year were each of you duly elected Delegates for one Year to represent the said State in the Congress of the United States of America: that is to say you the said William Sharpe, Samuel Johnston and Ephraim Brevard on the twelfth day of July and you the said Benjamin Hawkins on the Fourteenth day of the same month.

THESE are therefore to make known, that you the said William Sharpe, Samuel Johnston, Ephraim Brevard and Benjamin Hawkins or any two or more of you are fully and duly authorised as Delegates to represent the said State for one year from the date of your Election when and wheresoever the said United States shall assemble or be assembled in Congress, and to advise, confer, debate, resolve and determine for and in behalf of the said State upon all matters and things which shall come before the said United States in Congress assembled agreably to the Articles of Confederation and Perpetual Union made and ratified between the said United States and not inconsistent with the Constitution and Laws of the Said State of North Carolina.

WITNESS Thomas Burke esquire, Governor, Captain General and Commander in Chief of the Said State under his Hand and the Great Seal of the Said State at Williamsborough in the County of Granville the thirteenth day of August Anno Dom 1781, and in the Sixth Year of our Independence.

THO$^{S}$ BURKE
[With the Great Seal appendant]

By His Excellency's Command
JN$^{O}$ HUSKE, *Secretary.*

SOUTH CAROLINA.

By his Excellency John Rutledge, Esquire, Governor and Commander in chief of the said State.

To the Honorable Henry Laurens, Arthur Middleton, John Mathewes, Thomas Bee, Francis Kinloch, Isaac Motte and Nicholas Eveleigh Esquires, Greeting,

Know ye, that by and with the advice and consent of the Privy Council and by virtue of the power and authority in me vested, by the Constitution of this State, and by an Ordinance entitled "an Ordinance for the better Security and Defence of this State during the recess of the General Assembly," I have Constituted and Appointed, and, by these presents, do Constitute and Appoint, you the said Henry Laurens, Arthur Middleton, John Mathewes, Thomas Bee, Francis Kinloch, Isaac Motte and Nicholas Eveleigh, Delegates of this State to the Honorable Continental Congress, to meet in Congress on the first Monday in November next—hereby authorizing and empowering You, or any Two of You, to represent this State, in the said Congress, for One Year next ensuing the Day abovementioned, unless you, or any of you, shall be recalled, and Others nominated, in the room of such of you as shall be recalled, within that time, by the Legislative or Executive Authority of this State—In which case, this Nomination shall thereupon Cease, as to Such of You as shall be so recalled.—And I do hereby Grant to You, or any Two of You, as Delegates aforesaid, every Power and Authority, which it may be requisite or necessary, for a Member in Congress to Have or Exercise, as fully to all intents and purposes, as if the same was herein specially and particularly set forth.

Given under my Hand, and ~~the Great~~ Seal, at the High hills of Santee, this fourth day of October, in the Year of our Lord One Thousand Seven Hundred and Eighty One, and in the Sixth Year of American Independence.

J. RUTLEDGE. Seal

State of Georgia.] The People of the State of Georgia, by the Grace of God Free and Independent To all to whom these presents shall come, send Greeting

[Signed] NATHAN BROWNSON, [with the great seal appendant,]

WHEREAS the General Assembly did at their last Meeting held at Augusta in the County of Richmond in the said State on the Seven-

teenth day of August Instant, nominate and appoint the Honorable Edward Telfair, Noble Wimberly Jones, William Few and Samuel Stirk Esq^rs to represent the same in the Assembly of the United States of America in General Congress, to continue in Office until the first Tuesday in January Next, and from thence until others shall be legally appointed. NOW THEREFORE KNOW YE that in pursuance of such nomination and appointment, We do by these presents, Commissionate the said Edward Telfair, Noble Wimberly Jones, William Few, and Samuel Stirk Esq^rs Delegates to represent this our State, in the said General Assembly of the United States of America in Congress assembled, and do hereby authorize them, and each of them, to hold, and exercise, all the powers and Authorities to the Office, or place of Delegate belonging, by virtue of the Constitution of this State, the Confederation of the United States, and the Nomination and Appointment aforesaid, In Testimony whereof we have caused the Great Seal of this our State to be hereunto affixed. WITNESS NATHAN BROWNSON Esq. Captain general Governor and Commander in Chief of the said State at Augusta the Twenty Seventh day of August in the Year of our Lord One thousand seven hundred and Eighty one, and in the Sixth Year of our Independence.

A letter, of 27 October, from General Washington, was read:[1]

*Ordered,* That it be referred to the delegates of Georgia.

A letter, of August 9th, from J. de Neuville & Sons, was read, with sundry papers enclosed:

*Ordered,* That they be referred to the secretary of foreign affairs.

A letter, of 19 October, from the Count de Grasse, was read.[2]

[1] This letter is in the *Papers of the Continental Congress*, No. 152, X, folio 309. It is printed in *The Writings of Washington* (Ford), IX, 393.

[2] A letter of November 1st from Major General Heath was read, the indorsement states. It is in the *Papers of the Continental Congress*, No. 157, folio 375.

The Journal no longer records the fact of adjournment, or of committee appointments. Beginning with this date, the committee appointments are entered in a book kept for that purpose: *Papers of the Continental Congress*, No. 186, Committee Book.

### TUESDAY, NOVEMBER 6, 1781

Sundry committees were appointed.[1]

### WEDNESDAY, NOVEMBER 7, 1781

On report of a committee, consisting of Mr. [Daniel] Carroll, Mr. [Joseph] Jones, Mr. [John] Mathews, to whom were referred a memorial of Daniel Clarke in behalf of Oliver Pollock, and a letter of 17 September, from James Seagrove, respecting advances made by Don Galvez to Oliver Pollock, for the service of the United States,

*Ordered*, That there be passed in the books of the treasury, to the credit of Oliver Pollock, continental agent at New Orleans, in addition to the credit of the 6th of February last, the sum of twenty-one thousand four hundred and nineteen dollars and seventy-eight ninetieths of a dollar in specie, to bear an interest of six per cent. per annum, from the 6th of February last, until paid: and that the superintendant of finance be, and hereby is directed not to pay any part of the sums aforesaid to Oliver Pollock or his agents, until advice is received from Don Galvez of the sums by him advanced to the said Oliver Pollock, for the service of the United States, and what measures have been taken by the said O. Pollock for reimbursing the said sums.[2]

*Ordered*, That a copy of the foregoing order, and of that of the 6th of February, together with the letter of 22 July 1780, from his excellency Don Galvez, and the letter of 17 September, from J. Seagrove, be transmitted to the superintendant of finance, and that he report the draft of a letter to Don Galvez:

[1] A petition of John Clark was read and referred to Mr. [James] Lovell, Mr. T[homas] Smith and Mr. [Thomas] Bee according to the indorsement. It is in the *Papers of the Continental Congress*, No. 42, II, folio 150.

A letter from Col. John Laurens was read on this day, as the indorsement states. It is in the *Papers of the Continental Congress*, No. 165, folio 271.

[2] This order, as an extract from the minutes, is in the *Papers of the Continental Congress*, No. 50, folio 323.

On motion of Mr. [Edmund] Randolph, seconded by Mr. [Elias] Boudinot,

*Resolved,* That the secretary of foreign affairs be directed to prepare a sketch of emblems of the alliance between his Most Christian Majesty and the United States, proper to be inscribed on the marble column to be erected in the town of York, under the resolution of 29 day of October last.

On a report of a committee, consisting of Mr. [Edmund] Randolph, Mr. [Elias] Boudinot, Mr. [James Mitchell] Varnum, Mr. [Daniel] Carroll, to whom was referred the letter of 27 October, from General Washington:

The Committee to whom the letter of the 27th from Genl Washington with its enclosures was referred, report the following resolutions:

*Resolved,* That Congress approve of the early and unremitted attention of Genl Washington to the liberation ~~of North Carolina and South Carolina~~ of the Southern States from the power of the enemy, ~~by the attack which he meditated, upon Wilmington and Charlestown~~ and of his communication of the success of the allied arms to the foreign ministers of the United States.

*Resolved,* That an elegant sword be presented, in the name of the United States in Congress assembled, to Colonel Humphry, aid de camp of General Washington, to whose care the standards, taken under the capitulation of York were consigned, as a testimony of their opinion of his fidelity and ability: and that the Board of War take order therein.

Your Committee purpose to suspend their report, touching the military chest, until they can consult with the Commander in Chief.[1]

*Ordered,* That the farther consideration of the report be postponed.

*Resolved,* That the thanks of Congress be given to the honorable Thomas McKean, late President of Congress, in testimony of their approbation of his conduct in the chair, and in the execution of public business.

[1] This report, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress*, No. 19, VI, folio 367. The first paragraph was passed November 22.

## THURSDAY, NOVEMBER 8, 1781

An ordinance respecting captures by water was taken into consideration, and some progress being made, the farther consideration thereof was postponed.

On a report from the Board of War:

WAR OFFICE *Nov. 7. 1781.*

SIR,

The Board have the honor to inform Congress that two Persons, the one stiling himself John Moody the other Lawrence Marr, who confess themselves soldiers enlisted in the British Service, and by their Examinations herewith presented appear to fall under every description necessary to designate their being spies, have been apprehended and committed by the Hon^ble^ The Chief Justice of Pennsilvania to the State Prison. By the Resolution of the 17^th^ April 1778 the Board are empowered to order and appoint General Courts Martial "for trying officers and others under arrest agreeably to the Rules and Articles of War in the Place where Congress shall sit, and that the said Courts report their Proceedings to the Commander in Chief." As this Power seems to be delegated for Purposes confined to those in the service of the United States, and does not expressly reach the case of Spies, the Board hesitate to act under it in the case stated without the farther orders of Congress and therefore thought it necessary to report,

*Resolved*, That the Board of War take order for the trial, and in case of condemnation, for the execution of any persons falling under the description and character of spies, apprehended in the place where Congress shall sit, in the same manner and with the same powers for this purpose, with those vested in the Commander in Chief by the rules and articles of war.[1]

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 423.

A petition of John Rowan and seven others, privates in South Carolina regiments, dated November 6, 1781, was read, as the indorsement shows, and referred to the Board of War. It is in the *Papers of the Continental Congress*, No. 42, VI, folio 457.

Also one of Anthony [Antoine] Felix Wuibert, which was referred to the Board of War. It is in No. 42, VIII, folio 241.

Also a letter of the 5th from Robert Morris, Superintendent of Finance, which was referred to Mr. [Samuel] Osgood, Mr. [Abraham] Clark and Mr. [Edmund] Randolph. It is in No. 137, I, folio 215.

Also a letter of November 3d from Major General Heath, enclosing letters of October 29 and 30 from Major General Lord Stirling. It is in No. 157, folio 381.

**FRIDAY, NOVEMBER 9, 1781**

On a report from the Board of War:

WAR OFFICE *November 8th. 1781.*

SIR,

At the request of Major Barber who holds that rank in the Army of the United States and hath served in the Light Infantry under the command of the Marquis De la Fayette this Campaign in which he was wounded and is now in this City on his way home entirely destitute of cash, having received no pay for more than twenty months,

The Board recommend the following Resolution:

*Ordered*, That the Board of War draw a warrant on the paymaster general in favour of Major Barber, for one month's pay, for which he is to be accountable.[1]

A letter of 8 from Major General R. Howe, being read:[2]

On motion of Mr. [James Mitchell] Varnum, seconded by Mr. [Edward] Telfair,

*Ordered*, That the Board of War, without delay, cause such depositions to be taken, to be laid before the court of enquiry, upon the conduct of Major General R. Howe, as the delegates of Georgia and Major General Howe shall request, and that the depositions be transmitted to Major General Heath.

On motion of Mr. [Elias] Boudinot, seconded by Mr. [James Mitchell] Varnum,

*Resolved*, That the Board of War take order to prevent the officers prisoners of war under the capitulation of York, who have permission to go by land to New York, from travelling at large through the country, and from remaining longer out of the enemy's lines, than may be necessary for their journey.[3]

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 431.

[2] This letter is in the *Papers of the Continental Congress*, No. 160, folio 523.

[3] A memorial, dated November 3, of sundry officers of the Pennsylvania line, on the half pay establishment, was read this day and referred to the Board of War, as the

## MONDAY, NOVEMBER 12, 1781

On a report from the Board of War, to whom was referred a memorial of Mr. Jacob Schreiber:

AT A BOARD OF WAR *November 7th. 1781.*

Present Mr Peters
General Cornell

The Board have been honored with a reference of a memorial from Mr Jacob Schreiber who claims the appointment of a Captain of Engineers from an authority given him by General Lincoln to act as such in Charlestown. We transmit a copy of General Lincoln's Warrant for the Inspection of Congress by which it will appear that Mr Schreiber resigned his Commission of a Lieutenant of Artillery in order to undertake the duties of an Engineer with the rank of Captain. It appears to the Board but just that Mr Schreiber should receive the pay having done the duty of an Engineer, and therefore we gave him a warrant for six months' nominal pay as a prisoner captivated at Charlestown. This warrant he alledges his necessities induced him to part with at a less sum than it was worth; but no allowance can be made on this account, lest endless claims and confusion should ensue. It does not appear to the Board that his services are absolutely requisite in the Corps of Engineers and therefore it might be as well to grant him the liberty he requests of going home and for this purpose it will be necessary for Congress to resolve,

*Ordered,* That the comptroller cause the accounts of Mr. Jacob Schreiber to be adjusted upon the same principles with those directed for the officers of Hazen's regiment, allowing him the pay of a captain of engineers from the 2d day of March, 1780:

That Mr. Schreiber have leave to depart for Europe, as Congress, though conscious of his merit, have no means of employing him in the rank he requires:

indorsement states. It is in the *Papers of the Continental Congress*, No. 148, II, folio 449.

A letter of October 31 from General Washington was read, as the indorsement states, and referred to Mr. [James Mitchell] Varnum, Mr. [Joseph] Montgomery and Mr. [James] Lovell. It is in the *Papers of the Continental Congress*, No. 152, X, folio 365, and is printed in *The Writings of Washington* (Ford) IX, 403.

That it be referred to the superintendant of finance to pay Mr. Schreiber such sum as will enable him to return to Europe, and that loan office certificates be delivered him for the residue of the balance which shall, on settlement, appear to be due to him from the United States.[1]

On a report of a committee, consisting of Mr. [Samuel] Osgood, Mr. [Abraham] Clark and Mr. [Edmund] Randolph, to whom were referred a letter of 28 August, and one of 7 [5] instant from the superintendant of finance:

The Committee to whom was referred the letter of the 5th of November 1781 with its enclosures from the Superintendant of finance, report, in part, as follows:

*Resolved,* That so much of the resolution of the 2d instant, as declares, "that certificates which may be given by the Quartermaster general or other Officers properly authorised to give them for supplies that shall be hereafter furnished, shall be accepted in payment of the quotas of money thereby assigned to the several states," be and hereby is repealed.

The Committee beg leave to inform Congress, that they have made no report, touching the repeal of those parts of the resolution, which relate to the future adjustment of payments under the requisition of the 2nd instant, and certificates, to be received in discharge of former requisitions: as they are opposed to the repeal thereof.[2]

On motion of Mr. [Benjamin] Hawkins, seconded by Mr. [Thomas] Bee,

*Resolved,* That letters to and from the secretary for foreign affairs be carried free of postage.

The Committee to whom were referred the memorial and papers of Major John Clark beg leave to report as their opinion;

That the claim of Major Clark for depreciation on his pay cannot be determined upon with propriety till that of other officers in a like situation shall be taken up by Congress.

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 427.

[2] This report, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress*, No. 19, IV, folio 337.

That the secret services performed by Major Clark are of a nature similar to what other officers must have performed for the Commander in Chief of the army who alone can properly judge of the degree and peculiar merit and recompence of them.[1]

### TUESDAY, NOVEMBER 13, 1781

The ordinance respecting captures, was taken into consideration and debated.[2]

### WEDNESDAY, NOVEMBER 14, 1781

On motion of Mr. [Daniel] Carroll, seconded by Mr. J[oseph] Jones,

*Ordered*, That the President write to the executives of the states, requesting the attendance of delegates from such states as are not represented, and urging the necessity of sending forward and keeping up a representation in Congress for conducting the affairs of the United States.

A motion was made by the delegates of Virginia,

That the first Tuesday of December next, be assigned for the consideration of the report of the committee, to whom were referred the cessions of New York, Virginia, Connecticut, and the petitions of the Indiana, Vandalia, Illionois, and Wabash companies.

A motion was made by Mr. [Thomas] Smith, seconded by Mr. [James Mitchell] Varnum, to amend, by adding, "provided that eleven states shall be then represented."

[1] This report, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 19, I, folio 573. It was made on the 9th and read on the 12th as the indorsement shows.

On this day a memorial of Joseph Ward, dated October 18, 1781, was referred to the Board of War, as the indorsement shows. It is in the *Papers of the Continental Congress*, No. 41, X, folio 582.

Also a letter of Daniel Brodhead, dated October 28; it is in No. 78, IV, folio 183.

Also a letter of Thomas McKean, dated on this date; it is in No. 78, XVI, folio 269.

Also a letter, of August 14, from John de Neufville & Son; it is in No. 145, folio 79.

[2] On this day, according to the indorsement, was read a letter of the Superintendent of Finance, dated November 9, 1781. It is in the *Papers of the Continental Congress*, No. 137, I, folio 223.

Also a letter of November 8th from Major General Heath. It is in No. 157, folio 395.

On the question to agree to the amendment, the yeas and nays being required by Mr. [James Mitchell] Varnum,

| | | | | | |
|---|---|---|---|---|---|
| *Massachusetts* | | | *Virginia,* | | |
| Mr. Lovell, | ay | | Mr. Jones, | no | |
| Partridge, | ay | ay | Madison, | no | no |
| Osgood, | no | | Randolph, | no | |
| *Rhode Island,* | | | *North Carolina,* | | |
| Mr. Mowry, | no | | Mr. Hawkins, | no | * |
| Varnum, | ay | div. | *South Carolina,* | | |
| *Connecticut,* | | | Mr. Middleton, | no | |
| Mr. Law, | no | * | Bee, | no | no |
| *Pennsylvania,* | | | Eveleigh, | no | |
| Mr. Montgomery, | ay | | *Georgia,* | | |
| Atlee, | ay | ay | Mr. Telfair, | no | |
| T. Smith, | ay | | N. W. Jones, | no | no |
| *Maryland,* | | | | | |
| Mr. Hanson, | no | | | | |
| Carroll, | ay | div. | | | |

So it passed in the negative.

On the question to agree to the main question, the yeas and nays being required by Mr. J[oseph] Jones,

| | | | | | |
|---|---|---|---|---|---|
| *Massachusetts,* | | | *Virginia,* | | |
| Mr. Lovell, | no | | Mr. J. Jones, | ay | |
| Partridge, | no | no | Madison, | ay | ay |
| Osgood, | no | | Randolph, | ay | |
| *Rhode Island,* | | | *North Carolina,* | | |
| Mr. Mowry, | no | | Mr. Hawkins, | no | * |
| Varnum, | ay | div. | *South Carolina,* | | |
| *Connecticut,* | | | Mr. Middleton, | ay | |
| Mr. Law, | no | * | Eveleigh, | ay | ay |
| *Pennsylvania,* | | | *Georgia,* | | |
| Mr. Montgomery, | ay | | Mr. Telfair, | ay | |
| Atlee, | ay | ay | N. W. Jones, | ay | ay |
| Smith, | ay | | | | |
| *Maryland,* | | | | | |
| Mr. Hanson, | ay | | | | |
| Carroll, | ay | ay | | | |

So the question was lost.

On a report of the Board of War on a memorial of Lieutenant Colonel Weibert:

WAR OFFICE *November 13th 1781.*

SIR,

The Board have considered the memorial of Lieut. Col. Weibert and examined his credentials by which it appears that this Gentleman's claim to the Commission he requires, under the resolution of the 14th of August 1776 is well founded, and as he has done and suffered much for this Country and its cause we are of opinion that a Commission should issue to him and that it would be right and proper for Congress should they agree in opinion with us to resolve,

*Ordered,* That the Board of War draw a warrant on the paymaster general for three months' pay and subsistence in favour of Lieutenant Colonel Weibert of the corps of engineers.[1]

On a report of a committee, consisting of Mr. [Edmund] Randolph, Mr. [Elias] Boudinot, Mr. [Daniel] Carroll, appointed to prepare the form of notice to be given to the legislative or executive authority of the State of Connecticut, on the petition from the supreme executive council of Pensylvania, respecting a dispute between the two states: Congress agreed to the following resolutions:

Whereas the president and supreme executive council of the State of Pensylvania, have presented a petition to the United States in Congress assembled, stating, that a controversy has long subsisted between the said State of Pensylvania and the State of Connecticut, respecting sundry lands lying within the northern boundary of the State of Pensylvania, and praying for a hearing, in pursuance of the 9th article of the Confederation:

*Resolved,* That the fourth Monday in June next, be assigned for the appearance of the said states of Pensylvania and Connecticut, by their lawful agents, at the place in which Congress shall then be sitting.

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 435.

~~Resolved, That the Supreme Executive Council of the State of Pennsylvania cause the following notice together with a Copy of the said Petition to be duly served on the Legislative authority of the State of Connecticut by the delivery thereof to the Governor of Connecticut, and that an affidavit of the time and place of serving the same be lodged within a reasonable time before the said day of next in the office of the Secretary of Congress.~~

*Resolved*, That the form of the notice be as follows, to be transmitted by the secretary agreeably to the Articles of Confederation:

By the United States in Congress assembled, in the city of Philadelphia, on the 14th day of November, in the year of our Lord one thousand seven hundred and eighty-one, and in the sixth year of independence:

To the legislative authority of the State of Connecticut:

It is hereby made known, that pursuant to the ninth article of the Confederation, the supreme executive council of the State of Pensylvania, have presented a petition to Congress, stating that a controversy has long subsisted between the said State of Pensylvania, and the State of Connecticut, respecting sundry lands lying ~~on the east branch of the river Susquehanna in the northeast part of the county of Northampton within~~ [within the northern boundary] of the said State of Pensylvania, and praying for a hearing in pursuance of the ninth article of the Confederation; and that the [4th Monday in June] next, is assigned for the appearance of the said States of Pensylvania and Connecticut, by their lawful agents, at the place in which Congress shall then sit, to proceed in the premises as by the said Confederation is directed.

By order of Congress,

CHARLES THOMSON, *Secretary*.[1]

[1] This report, in the writing of Edmund Randolph, except the words in brackets in the last paragraph, which are in Charles Thomson's hand, is in the *Papers of the*

### THURSDAY, NOVEMBER 15, 1781

On a report of a committee, consisting of Mr. [Daniel] Carroll, Mr. J[oseph] Jones, Mr. N[oble] W[imberly] Jones, to whom was referred a letter from the officers returned from Charlestown:

The Committee to whom was referred the letter from the officers of the South Carolina and Georgia line, report the following,

*Resolved*, That Congress will reimburse the expences incurred by the officers returned from Captivity, on their removal from Charles Town to Philadelphia.

*Ordered*, That the said letter be referred to the superintendant of finance, to take order for the discharge of three months' subsistance, in addition to the pay ordered by the resolve of Congress of 29 September last:

That the comptroller settle the accounts of the officers from Charlestown, for the expences incurred by them on their removal to Philadelphia.

*Resolved*, That the Board of War supply the officers with such cloathing as the public stores will admit on account of the states to which they belong.[1]

### FRIDAY, NOVEMBER 16, 1781

Mr. [Oliver] Wolcott, a delegate for Connecticut, attended, and took his seat.

On a report from the Board of War, to whom was referred a motion of Mr. [James Mitchell] Varnum,

*Continental Congress*, No. 20, II, folio 133. The paragraph is entered in the Journal by George Bond.

A letter, of November 12, from Decoutures Lahais, was read and referred to the Board of War, as the indorsement shows. It is in the *Papers of the Continental Congress*, No. 78, XII, folio 197.

Also a letter, of October 29, from General Schuyler. It is in No. 153, III, folio 581.

Also a letter, of November 8th, from Major General Heath. It is in No. 157, folio 399.

[1] This report, in the writing of Daniel Carroll, is in the *Papers of the Continental Congress*, No. 20, II, folio 411.

A letter, of November 9th, from Major General Heath, was read on this or an approximate date. It is in the *Papers of the Continental Congress*, No. 157, folio 411.

WAR OFFICE *November 15th. 1781.*

SIR,

The Board have Considered the motion referred to them by Congress on the 19th of October last and beg leave to observe that it appears to them that the present mode of drawing warrants for the pay of the Army is pregnant with many and great evils and if continued will finally so derange and confuse the army accounts in the Paymaster General's office as to render a settlement almost impracticable if not impossible. We therefore submit the following resolution:

*Resolved,* That in future no warrant issue in favour of officers or soldiers in actual service, for pay or subsistance, but by the Commander in Chief, or the commanding officer of a seperate army.[1]

A motion was made by Mr. [Arthur] Middleton, seconded by Mr. [Thomas] Bee,

That General Washington be directed to extend his attention to the farther relief of the southern states, and that he either lead thither such part of the main army, as he may think expedient, or if he should judge his presence there unnecessary, that he detach such additional reinforcements to General Greene, with cannon, artillery, and stores requisite, as may enable him to act offensively, and with such vigour as to afford a prospect of conquest in that quarter, or at least of expelling the enemy from thence during the ensuing winter, whilst northern operations are impracticable.[2]

On the question to agree to this, the yeas and nays being required by Mr. [Arthur] Middleton,

| | | | | | |
|---|---|---|---|---|---|
| *New Hampshire,* | | | *Rhode Island,* | | |
| Mr. Livermore, | no | * | Mr. Mowry, | no | no |
| *Massachusetts,* | | | Varnum, | no | |
| Mr. Lovell, | no | | *Connecticut,* | | |
| Partridge, | no | no | Mr. Law, | no | no |
| Osgood, | no | | Wolcott, | no | |

[1] This report is in the *Papers of the Continental Congress,* No. 148, II, folio 439.

[2] This motion, in the writing of Arthur Middleton, is in the *Papers of the Continental Congress,* No. 36, I, folio 231.

| | | |
|---|---|---|
| *New Jersey,* | | |
| Mr. Clark, | no | * |
| *Pennsylvania,* | | |
| Mr. Montgomery, | no | no |
| Atlee, | no | |
| Smith, | no | |
| *Maryland,* | | |
| Mr. Hanson, | no | no |
| Carroll, | no | |
| *Virginia,* | | |
| Mr. Madison, | no | no |
| Randolph, | no | |
| *South Carolina,* | | |
| Mr. Middleton, | ay | ay |
| Bee, | ay | |
| Motte, | ay | |
| Eveleigh, | ay | |
| *Georgia,* | | |
| Mr. Telfair, | ay | ay |
| N. W. Jones, | ay | |

So it passed in the negative.

A motion was made by Mr. [James Mitchell] Varnum, seconded by Mr. [George] Partridge,

That it be resolved, that the resolution of 25 of May last, establishing a general rule of promotion, precludes the United States in Congress assembled, from promoting any officer, on account of extraordinary merit or eminent services, contrary to the rule of succession therein mentioned.

And on the question to agree to this, the yeas and nays being required by Mr. [James Mitchell] Varnum,

| | | |
|---|---|---|
| *New Hampshire,* | | |
| Mr. Livermore, | no | * |
| *Massachusetts,* | | |
| Mr. Partridge, | no | no |
| Osgood, | no | |
| *Rhode Island,* | | |
| Mr. Mowry, | ay | div. |
| Varnum, | no | |
| *Connecticut,* | | |
| Mr. Law, | no | no |
| Wolcott, | no | |
| *New Jersey,* | | |
| Mr. Clark, | ay | * |
| *Pennsylvania,* | | |
| Mr. Montgomery, | no | no |
| Atlee, | ay | |
| Smith, | no | |
| *Maryland,* | | |
| Mr. Hanson, | no | no |
| Carroll, | no | |
| *Virginia,* | | |
| Mr. J. Jones, | no | no |
| Madison, | no | |
| Randolph, | no | |
| *South Carolina,* | | |
| Mr. Middleton, | no | **no** |
| Bee, | **ay** | |
| Motte, | **no** | |
| *Georgia,* | | |
| Mr. Telfair, | no | div. |
| N. W. Jones, | ay | |

So it passed in the negative.

The report of a committee, consisting of Mr. [James Mitchell] Varnum, Mr. [Joseph] Montgomery and Mr. [James] Lovell, to whom was referred the letter of 31 October last, from General Washington, with letters from Brigadier General du Portail, was taken into consideration, and on the first proposition, that in consideration of the eminent services of Brigadier General Knox, commanding officer of the artillery of the United States, and particularly of his meritorious conduct in the siege of York, in the State of Virginia; he be promoted to the rank of major general:

The previous question was moved by the states of South Carolina and Georgia; and the yeas and nays required thereon,

| | | | |
|---|---|---|---|
| *New Hampshire,* | | *Maryland,* | |
| Mr. Livermore, | no } * | Mr. Hanson, | no } no |
| *Massachusetts,* | | Carroll, | no } |
| Mr. Lovell, | no } | *Virginia,* | |
| Partridge, | no } no | Mr. Jones, | no } |
| Osgood, | no } | Madison, | no } no |
| *Rhode Island,* | | Randolph, | no } |
| Mr. Mowry, | no } | *South Carolina,* | |
| Varnum, | no } no | Mr. Middleton, | ay } |
| *Connecticut,* | | Bee, | ay } ay |
| Mr. Law, | no } | Motte, | ay } |
| Wolcott, | no } no | *Georgia,* | |
| *Pennsylvania,* | | Mr. Telfair, | ay } |
| Mr. Montgomery, | no } | N. W. Jones, | ay } ay |
| Atlee, | ay } no | | |
| Smith, | no } | | |

So it passed in the negative.

On the question to agree to the main question, the yeas and nays being required by Mr. [James] Lovell,

| | | | | | |
|---|---|---|---|---|---|
| *New Hampshire,* | | | *Maryland,* | | |
| Mr. Livermore, | ay | * | Mr. Hanson, | ay | ay |
| *Massachusetts,* | | | Carroll, | ay | |
| Mr. Lovell, | ay | | *Virginia,* | | |
| Partridge, | ay | ay | Mr. J. Jones, | ay | |
| Osgood, | ay | | Madison, | ay | ay |
| *Rhode Island,* | | | Randolph, | ay | |
| Mr. Mowry, | no | | *South Carolina,* | | |
| Varnum, | ay | div. | Mr. Middleton, | no | |
| *Connecticut,* | | | Bee, | no | no |
| Mr. Law, | ay | | Motte, | no | |
| Wolcott, | ay | ay | *Georgia,* | | |
| *Pennsylvania,* | | | Mr. Telfair, | no | |
| Mr. Montgomery, | ay | | N. W. Jones, | no | no |
| Atlee, | no | ay | | | |
| Smith, | ay | | | | |

So the question was lost.

On a farther consideration of the report:

*Resolved,* That Brigadier General du Portail, commanding officer of the corps of engineers, in consideration of his meritorious services, and particularly of his distinguished conduct in the siege of York, in the State of Virginia, be, and he is hereby promoted to the rank of major general.

*Resolved,* That Lieutenant Colonel Gouvion, of the corps of engineers, receive the brevet of colonel.

*Resolved,* That Captain Rochefontaine, of the corps of engineers, receive the brevet of major.

*Resolved,* That Major General du Portail and Colonel Gouvion have leave of absence from the United States for the space of six months.[1]

On motion of Mr. [James Mitchell] Varnum, seconded by Mr. [Thomas] Bee,

[1] This report, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress,* No. 19, VI, folio 369.

*Resolved,* That the Board of War arrange the officers of the South Carolina and Georgia lines, agreeably to the establishment of the army, adopted on the 3d day of October, 1780, and in such manner as the lines of other states have been arranged.

AT A BOARD OF WAR *November 15th 1781.*

Present Mr Peters
General Cornell

The Board have considered the memorial of the deranged Pennsylvania officers referred to them by Congress. Notwithstanding the arguments made use of by those gentlemen we cannot be convinced that considering the inadequate means Congress have to carry on the War it is practicable to pay any but those in actual service at this time and even these but very partially. We conceive that there is a wide distinction between gentlemen liberated from service and those liable to be called on duty at a moment's warning. The former have it in their power to pursue their private business but the latter depend entirely on the appointments they expect from the public. If the State of Pennsylvania have made a law subjecting their deranged officers to be called into service as a condition on which they are to receive their half pay or on any other terms we do not conceive it can possibly be executed so as to entitle them to be placed again in the line of the federal army. This would be contrary to the letter and spirit of the resolutions of Congress and would tend to convulse the whole Army. The monies paid to the officers of the Pennsylvania Line were drawn for agreeable to resolution of the 28th February 1781, calling for part of the four tenths to pay *the lines* of the respective States. The deranged officers not being in the *Lines* no warrants could be granted to them, tho' the pay is certainly due to them, and if Congress can fall upon ways and means to satisfy the deranged officers of every State, we shall be happy to put in execution any directions they may give us. But to pay those of one State and not the rest will be introductory of so much complaint, that we cannot recommend a compliance with the desire of the memorialists, tho' we have the best opinion of their personal merits.[1]

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 445. It is indorsed November 16 and was presumably read this day.

On October 27 the Senate and House of Representatives of Massachusetts passed resolutions instructing the Delegates in Congress for Massachusetts to use their influence

## MONDAY, NOVEMBER 19, 1781

Mr. [William] Ellery and Mr. [Ezekiel] Cornell, two delegates for Rhode-Island, attended and took their seats.

On motion of Mr. [Edmund] Randolph, seconded by Mr. [Thomas] Smith,

*Resolved*, That Richard Peters, esq. be authorised and requested to continue to exercise the duties of the war department, until the secretary at war shall enter upon the execution of his office.[1]

in order that instructions be sent to the ministers appointed to negotiate a peace to insist upon the exercise of the right of Massachusetts to the fisheries. This instruction was probably presented to Congress November 17 and referred to a committee comprised of Mr. [James] Lovell, Mr. [Daniel] Carroll and Mr. [James] Madison. It is indorsed: "Mr. Lovell, Mr. Carroll, Mr. Madison, November 17, 1781." It is in the *Papers of the Continental Congress*, No. 74, folio 189.

[1] A memorial of Celerin Brossard was read. It is in the *Papers of the Continental Congress*, No. 41, I, folio 379. The report of the Committee of the Week, in the writing of James Mitchell Varnum, that Brossard's petition to exchange paper money for gold and silver cannot be granted, is indorsed on his memorial.

Also a letter from F. Bremar, on which is indorsed the report of the Committee of the Week, in the writing of Thomas Bee, that it be referred to the Board of War. It is in No. 78, IV, folio 269.

Also one from William Bingham. It is in No. 78, IV, folio 273.

Under date November 16 Caspar Green made a petition to Congress. By the indorsement it appears that the Committee of the Week reported on November 19 that it could not be complied with at that time. The petition and report are in No. 42, III, folio 240.

A letter of November 14 from John Ross was read this day and ordered to lie upon the table, according to the indorsement. It is in No. 78, XIX, folio 423, and the report of the Committee of the Week, that his petition is inadmissible, is indorsed on it, in the writing of James Mitchell Varnum.

A letter of the 17th from the Superintendant of Finance was read and referred to Mr. [Ezekiel] Cornell, Mr. [Edmund] Randolph and Mr. [Daniel] Carroll, according to the indorsement. It is in No. 137, I, folio 233.

A letter of November 4th from General Washington was read, according to the indorsement, and referred to the Board of War. It is in No. 152, X, folio 383.

Also a letter of November 14th from Major General Heath. It is in No. 157, folio 415.

Also a letter of November 19th from Major General Duportail. It is in No. 164, folio 354.

Also a letter of May 1st from John de Neufville & Son; it is in No. 145, folio 59.

## TUESDAY, NOVEMBER 20, 1781

On a report of the Board of War to whom was referred a memorial of F. Bremar:

WAR OFFICE *November 20th 1781.*

The Board having taken into consideration the memorial of T. Bremar Esq. late deputy Commissary of musters in the Southern Department, referred to them from Congress and beg leave to observe that the case of this gentleman is in every particular similar to that of Lieut. Colonel Massey late Muster Master of that Army, who has received three months' effective pay by the resolution of the 28th. September last, and as the Board conceive that the services and misfortunes of the memorialist entitle him to the same distinctions, that have been shown to Colonel Massey they beg leave to recommend the following resolution:

*Ordered*, That the Board of War draw a warrant on the paymaster general in favour of F. Bremar, Esquire, late deputy muster master to the southern army for three months' pay on account, for which sum he is to be accountable.[1]

On a report of the Board of War, on an application of Lieutenant Jenkins:

AT A BOARD OF WAR *November 16th, 1781.*

Present, Mr Peters
General Cornell

Lieutenant Jenkins hath applied to the Board agreeable to his orders of which the enclosed is a copy and hath presented the enclosed copy of a petition to the Assembly of Connecticut the prayer whereof he alledges was not complied with.

It appears reasonable to the Board that the State of Connecticut should settle the depreciation of those officers and soldiers pay as they are part of that State's quota at this time, and incorporated in one of their Regiments; unless that State acknowledges them the Board are at a loss to know on what principles they are accounted as part of their quota having never been at any expence in recruiting or paying their bounties. It is needless to say more than that they are soldiers and inhabitants of the United States and the only reason that induces the Board to think the State of Connecticut ought to

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 453.

make good their depreciation, is their being in the service of that State.

If Congress should be of opinion that the depreciation ought to be settled by Connecticut they will please to resolve—

That it be recommended to the State of Connecticut to settle the depreciation of the pay of those officers and soldiers of the Independent Companies raised at Wioming who are now in service, and incorporated in the Regiments of that State on the same principles adopted by them for the officers and soldiers of their Line.[1]

*Resolved*, That the two independent companies raised by Captains Durkee and Ransom, be considered as part of the quota of troops of the State of Connecticut, in whose regiments they are incorporated; provided the said State settle with them for the depreciation on their pay; and that it be recommended to the said State of Connecticut, to settle the depreciation of their pay upon the same principles adopted by them for the officers and soldiers of their line.

On a report of a committee, consisting of Mr. [Ezekiel] Cornell, Mr. [Edmund] Randolph, and Mr. [Daniel] Carroll, to whom was referred a letter of 17 November, from [the] superintendant of finance:

The Committee to whom was referred the letter from the Agent of Marine of the 17th of November 1781 respecting the institution of Courts of Inquiry report as follows:

That by the resolution of the 7th of February 1781, constituting the Secretaryship of Marine, the Secretary derives no power to institute a Court of Inquiry, either from special words, or from the reference to the resolution of the 28th of October 1779, establishing a Board of Admiralty since that Board derived their authority on this subject from a resolution of the 8th of February 1780.

That the Agent of Marine is not authorized to exercise the powers of the Board of Admiralty in this respect as they were not delegated to him by special words, nor was there a general transfer of the powers of that Board to the Agent of Marine, Whereupon:

*Resolved*, That the powers vested by the resolutions of the 8 of February, 1780, in the Board of Admiralty and navy

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 457.

board respectively, in case of the loss of any ship or vessel of war in the service of the United States, be vested in the secretary of marine; or until he be appointed and enter upon the execution of his office, in the agent of marine; except that neither the secretary nor agent of marine shall be authorised to sit in any court of enquiry.

*Resolved*, That it shall be the duty of the secretary or agent of marine, to transmit to the United States in Congress assembled, the proceedings ~~of any court of inquiry holden under the said resolution with his own proceedings in consequence thereof as well as those~~ of courts-martial previous to the execution of any capital sentence which may be awarded.

*Resolved*, That the powers and duties hereby assigned to the secretary or agent of marine, be assigned to the superintendant of finance, to be exercised by him until such secretary or agent of marine shall be appointed.[1]

*Resolved*, That the Board of War cause to be delivered to the order of the delegates of North Carolina, with all possible dispatch, one thousand muskets of those lately taken from the enemy in Virginia, which together with the order given for the like number by the Board on General Knox, when received, is to be considered as the completion of the resolution of the 26th of April last, so far as respects the said State.

*Resolved* That the Board of War cause to be delivered with the said muskets, two thousand cartridge boxes, six thousand gun flints, two thousand pounds gun powder, twenty thousand cartridges, one thousand pound of musket ball from the military stores taken from the enemy in Virginia, and charge the same to the said State.[2]

[1] This report, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress*, No. 19, IV, folio 339.

[2] These resolutions, in the writing of Benjamin Hawkins, are in the *Papers of the Continental Congress*, No. 36, I, folio 235. They were presented on this day, as the indorsement shows, and referred to the Board of War.

AT A BOARD OF WAR *November 16th 1781.*

Present, Mr Peters
General Cornell

The Board have considered the motion made by General Varnum and referred to them by Congress and report the following resolutions:

*Resolved,* That from and after the first day of January next no more General Officers be retained in the field than shall be absolutely necessary for the command of the troops in service.

*Resolved,* That the Commander in Chief do from time to time as occasion may require make known to the Secretary at War the number of General Officers that he shall deem necessary to be in the field in the main and separate armies, and different parts of the United States and that upon the receipt thereof the Secretary at War shall issue his orders to such General Officers as he shall think proper to remain in or take the field for the purpose of completing the said number.

*Resolved,* That all General Officers not in the field agreeable to the aforegoing resolutions shall be considered to be on the half pay establishment liable to be called into the field by the Secretary at War, whenever his services shall be necessary, unless such officer shall choose to remain on the half pay establishment, in which case it shall be at the election of the officer provided he make it at the time he first enters upon the half pay establishment and certifies the same to the Secretary at War.

Provided also that whenever any officer takes the field in obedience to orders from the Secretary at War, he shall receive every allowance and emolument that officers in actual service are entitled to during the time of his continuance in actual command.

*Resolved,* That the Commander in Chief be and he is hereby requested to conform himself as near as circumstances will permit, in pointing out the number of General Officers necessary to be in the field from time to time to the following proportion to wit, That the command of a Brigadier General consist of three Regiments when complete otherwise of eighteen hundred rank and file, and that a Major General be retained for every two Brigadiers exclusive of separate Departments.[1]

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 479. It is indorsed: "November 20, 1781, postponed."

On this day, according to the indorsement, a letter dated July 30, from Rawleigh Colston, dated Cape François July 39, 1781, was referred to the Secretary of Foreign Affairs. It is in the *Papers of the Continental Congress*, No. 78, VI, folio 47.

Also a letter of October 25th from General Greene was read and referred to the Board of War. It is in No. 155, II, folio 361.

## WEDNESDAY, NOVEMBER 21, 1781

On a report of a committee, consisting of Mr. [Joseph] Montgomery, Mr. [Samuel] Osgood, and Mr. [Edmund] Randolph, to report on the arrangement of the President's house,

*Resolved*, That the attendants of the President's house consist of one steward, and such others as may be found necessary ~~not exceeding eight~~; and that they be appointed and removed at pleasure, by the President of Congress:

That all sums of money necessary for the expences of the house, be drawn for by the President, and paid to the steward:

That the steward keep a regular account of all receipts and disbursements, and of furniture, and utensils broken, lost or purchased, and deliver to the secretary of the President on the first day of every month, a fair copy thereof.[1]

On a report of the Board of War, to whom was referred a letter of 19th, from Major General du Portail, requesting the brevet of captain for Mr. de Castaing, his aid:

WAR OFFICE *November 20th, 1781.*

SIR,

On the letter from General Duportail referred by Congress to the Board of War, respecting the case of Lieutenant De Castaing, I take the liberty of reporting,

That Mr De Castaing appears from the arrangement of the army to be at this time a Lieutenant in Colonel Jackson's Regiment and to take rank as such from the 24 day of April 1779. There is no doubt but that he is a deserving officer and has done his duty; but unless some very particular circumstance appear so as to distinguish him from the other officers of the army or the regiment in point of merit, uneasiness will be created by giving the Brevet requested, and the accidental circumstance of his having served in General Duportail's family will not be deemed sufficient by those who are affected

[1] This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 23, folio 355.

by the promotion. It will too no doubt introduce similar claims from other officers who have served in the like capacity, and with equal merit with Mr De Castaing. Congress will be pleased to recollect that there are several valuable officers, who have served as Aids and have now the same Rank they had the Beginning of the War. True it is that in the early period of the War when rank was more easily obtained and duty not so clearly designated, those gentlemen procured commissions of higher grades than they were entitled to. But it is as true, that if many of them had continued in the line they would now have commanded regiments, and under this idea some of them complain that their promotion is stopped, and would be glad of a precedent whereupon to found their claims to advancement. I have troubled Congress so far on this subject as I would not wish to appear on slight grounds to contravene the recommendation of General Duportail, for which I have the greatest respect. If however Congress should not consider these observations as having any weight and that the recommendation of General Duportail should be attended to as sufficiently evidencing the particular merit of Mr De Castaing, they will please to resolve,

That Lieutenant De Castaing receive the Brevet of Captain in consideration of his services at the defence of Charlestown in South Carolina, and the siege of York in Virginia.[1]

*Resolved,* That the request respecting the promotion of Lieutenant de Castaing, cannot be complied with.[2]

A motion was made by Mr. [Edmund] Randolph, seconded by Mr. [Daniel] Carroll, that it be recommended to the legislatures of the several states to cause to be taken and transmitted to Congress as soon as possible the number of the white inhabitants thereof, pursuant to the ninth article of the Confederation.

On the question to agree to this, the yeas and nays being required by Mr. [Edmund] Randolph,

[1] This report is in the *Papers of the Continental Congress,* No. 148, II, folio 475.

[2] This resolution is in the *Papers of the Continental Congress,* No. 148, II, folio 478.

| | | | | | |
|---|---|---|---|---|---|
| *New Hampshire,* | | | *Maryland,* | | |
| Mr. Livermore, | ay | * | Mr. Hanson, | ay | ay |
| *Massachusetts,* | | | Carroll, | ay | |
| Mr. Lovell, | ay | | *Virginia,* | | |
| Partridge, | ay | ay | Mr. Jones, | ay | |
| Osgood, | ay | | Madison, | ay | ay |
| *Rhode Island,* | | | Randolph, | ay | |
| Mr. Cornell, | ay | | *North Carolina,* | | |
| Ellery, | no | div. | Mr. Hawkins, | ay | * |
| *Connecticut,* | | | *South Carolina,* | | |
| Mr. Law, | ay | | Mr. Middleton, | ay | |
| Wolcott, | no | div. | Bee, | ay | |
| *New Jersey,* | | | Motte, | ay | ay |
| Mr. Clark, | ay | * | Eveleigh, | ay | |
| *Pennsylvania,* | | | *Georgia,* | | |
| Mr. Montgomery, | ay | | Mr. Telfair, | ay | |
| Smith, | ay | ay | N. W. Jones, | ay | ay |

So the question was lost.[1]

## THURSDAY, NOVEMBER 22, 1781

The delegates for the State of Pensylvania, being reappointed by the general assembly, Mr. J[oseph] Montgomery, Mr. T[homas] Smith and Mr. [Samuel John] Atlee, three of the said delegates, attended, and produced the credentials.

STATE OF PENNSYLVANIA
IN ASSEMBLY
*Wednesday November 21st. A. M. 1781*

Pursuant to the Order of the Day, the House proceeded to the Election of Delegates to represent this State in Congress, and the ballots being taken, it appeared that the Honorable Joseph Mont-

[1] A memorial of Charles de Frey was read this day and referred to the Board of War, as the indorsement shows. It is in the *Papers of the Continental Congress*, No. 41, III, folio 256.

A letter, of November 2d, from General Washington was read on this day, as the indorsement states, and referred to the Board of War. It is in the *Papers of the Continental Congress*, No. 152, X, folio 375. Another letter, of November 15th, from General Washington was read, the indorsement states. It is on folio 396.

gomery, Thomas Smith (of the County of Bedford), George Clymer, Samuel J. Atlee, and Henry Wynkoop esquires, were duly elected.

Extract from the Minutes
PETER Z. LLOYD
*Clerk to the General Assembly.*[1]

Congress proceeded to the farther consideration of the report of the committee, on the letter of the 27 October, from General Washington; and thereupon,

*Resolved,* That Congress approve of the early and unremitted attention of General Washington, to the liberation of the southern states from the power of the enemy, and of his communication of the success of the allied arms, to the foreign ministers of the United States.[2]

On motion of Mr. [Joseph] Montgomery, seconded by Mr. [Thomas] Smith,

*Resolved,* That the establishment of the Post Office as agreed to, on the 19 of October last, take place on the first day of January next, and that the resolution directing its commencement on the first day of December next, be, and hereby is repealed.

On a report of a committee, ||consisting of Mr. Jenifer, Mr. Sharpe and Mr. Clymer,|| to whom was referred a memorial of Major Nicholas,

*Resolved,* That Major Nicholas's accounts be settled up to the 25 day of August, 1781, at which time he be considered as retiring from service.[3]

[1] The original is in the *Papers of the Continental Congress*, Pennsylvania, *Credentials of Delegates.*

[2] This report, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress*, No. 19, VI, folio 367. See *ante* November 7.

[3] A letter of November 21st from Jacob Schreiber was read this day, the indorsement states, and referred to the Board of War. It is in the *Papers of the Continental Congress*, No. 148, II, folio 465.

A letter of November 6th from General Washington was read, as the indorsement states. It is in the *Papers of the Continental Congress*, No. 152, X, folio 389.

Also a letter of this date from General Lafayette. It is in the *Papers of the Continental Congress*, No. 156, folio 248, and was referred to Mr. [Daniel] Carroll, Mr. [James] Madison, and Mr. [Ezekiel] Cornell.

**FRIDAY, NOVEMBER 23, 1781**

Mr. [William] Floyd, a delegate for the State of New York, attended, and produced the credentials of his appointment.

STATE OF NEW YORK

IN SENATE *October 26th 1781*

Resolved that the honorable James Duane, William Floyd, John Morin Scott, Ezra L'hommedieu and Egbert Benson Esquires are duly nominated and appointed Delegates to represent this State, in the United States in Congress assembled, for the ensuing year.

By order of the Senate

PIERRE VAN CORTLANDT *Pres^t* [1]

Attest:

ROB^T. BENSON, *Clk:*

On reading a memorial and representation of the legislature of the State of New Jersey: [2]

*Ordered*, That the said memorial be referred to the superintendant of finance; and that he report, as soon as may be, as well on the said memorial as on a reference to him made on the same subject, of a plan for liquidating certificates given by quartermasters, commissaries and others.

On a report of the Board of War:

WAR OFFICE *November 21, 1781.*

SIR,

I have the honor to enclose Congress a copy of a circular letter, I thought it expedient to write to the Governments of the States of Maryland, Delaware Pennsylvania and New Jersey on the subject of deserting prisoners. The measures recommended therein will only produce a partial remedy. They will serve only to embarrass not to prevent the practice. I should conceive and indeed I know by long experience that nothing but strict confinement will have any effect upon the British troops whose attachments to service are not to be conquered, nor can they be restrained from desertion by the

[1] The original is in the *Papers of the Continental Congress*, New York, *Credentials of Delegates*.

[2] This memorial is in the *Papers of the Continental Congress*, No. 68, folio 583.

mildest treatment. It is different with the German troops and many of the Scotch are exceptions. It will therefore be necessary that the British Prisoners be confined in places picketted in, and those pickets flanked with Block houses so as to make a small guard adequate to the duty of the Post. This guard should be raised for the particular purpose and not consist of militia, who are in general fluctuating, careless and undisciplined. The Prisoners should be obliged to hut themselves in some plentiful and safe part of the Country as has been done by the Convention Troops at little or no expense to the United States The British Convention prisoners have their hutts surrounded with pickets, but we find this unnecessary as to the Germans. There is a great expense accruing from the support of the Women and Children of the British Convention troops, and it is not inconsiderable from those of the Germans. I should imagine it would be best to send in all the British who are encumbered with families of small children. But the Children of soldiers fit to bear arms or even for drums and fifes should be counted as prisoners of war. The soldiers sent in may be charged as a debt against the enemy, and in the mean time the accession of strength to them would not be so great as to counterbalance the evils arising to our finances from the support of themselves and their families. As to the Germans they might chiefly be let out to work to the Inhabitants and if Congress would *not disapprove* of it no inconsiderable revenue might be raised from this measure; but should this be disagreeable a saving could be produced immediately by suffering them to hire with the Inhabitants. Caution in this case would be necessary in distinguishing characters both of the prisoners and those hiring them. It might easily be known whether individual prisoners would wish to return to Europe by examining into their Connections there and their expectations of property. As to their children many of them would be willing to bind them out in this Country and those not inclining to do it might be obliged thereto by withholding the rations they now draw. This would be politic and useful as it would add to the number of Citizens immediately—fix the affections of the parents so as to induce them to become settlers after a peace and most probably attract their friends and relatives in Europe so as to produce their emigration to these States.

I have taken the liberty to enlarge on this subject thus far because I am convinced some immediate measures are necessary. The business of supporting them I humbly conceive falls most properly within

the province of the Superintendant of Finance, and therefore I have not troubled Congress with any observations on the means of furnishing them with rations. The Financier will no doubt be satisfied with me that some period should be fixed on for a ballance or oblivion of past accounts and the enemy be compelled to support their prisoners, and not as at present be suffered to wage war with our Finances through the instrumentality of their soldiers, whose captivity prevents their operating in the field.

Should Congress consider these observations worthy their attention they will no doubt be pleased to appoint a Committee to consider of the matter and make the necessary arrangements, or if more agreeable to them to leave the business to their Executive Officers they will direct,

*Resolved*, That the superintendant of finance and Board of War be, and hereby are authorised and directed to take immediate order for the safe keeping and support of the prisoners of war in the possession of the United States, so as to ensure their safety as much as may be, and to render their support less burthensome to the finances of these states.[1]

On a report of a committee, consisting of Mr. [Daniel] Carroll, Mr. [James] Madison, Mr. [Ezekiel] Cornell, to whom was referred a letter of 22d, from Major General the Marquis de la Fayette:

The committee to whom was referred the letter of the 22$^{d}$ instant from Major General the Marquis de la Fayette requesting leave of absence for the purpose of making a visit to France report the following resolutions:

*Resolved*, That Major General the Marquis de la Fayette have permission to go to France; and that he return at such time as shall be most convenient to him.

That he be informed, that on a review of his conduct throughout the past campaign, and particularly during the period in which he had the chief command in Virginia, the

[1] A copy of this resolution, as an extract from the minutes, is in the *Papers of the Continental Congress*, No. 149, I, folio 19. The Board of War's report is in No. 148, II, folio 469.

many new proofs which present themselves of his zealous attachment to the cause he has espoused, and of his judgment, vigilance, gallantry and address in its defence, have greatly added to the high opinion entertained by Congress of his merits and military talents:

That he make known to the officers and troops whom he commanded during that period, that the brave and enterprising services with which they seconded his zeal and efforts, and which enabled him to defeat the attempts of an enemy far superior in numbers, have been beheld by Congress with particular satisfaction and approbation:

That the secretary of foreign affairs acquaint the ministers plenipotentiary of the United States that it is the desire of Congress that they confer with the Marquis de la Fayette, and avail themselves of his informations relative to the situation of public affairs in the United States:

That the secretary of foreign affairs further acquaint the minister plenipotentiary at the Court of Versailles, that he will conform to the intention of Congress by consulting with and employing the assistance of the Marquis de la Fayette, in accelerating the supplies which may be afforded by his Most Christian Majesty for the use of the United States:

That the superintendant of finance, the secretary for foreign affairs, and the Board of War, make such communications to the Marquis de la Fayette, touching the affairs of their respective departments, as will best enable him to fulfil the purpose of the two resolutions immediately preceding:

That the superintendant of finance take order for discharging the engagement entered into by the Marquis de la Fayette, with the merchants of Baltimore, referred to in the act of the 24 May last.

*Ordered*, That the superintendent of finance furnish the Marquis de la Fayette with a proper conveyance to France:[1]

[1] This report, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 19, II, folios 241 and 243½.

That the secretary for foreign affairs report a letter to his Most Christian Majesty, to be sent by the Marquis de la Fayette.[1]

On a report of a committee, consisting of Mr. [Edmund] Randolph, Mr. [James] Duane, Mr. [John] Witherspoon, appointed to prepare a recommendation to the states to enact laws for punishing infractions of the laws of nations:

The committee, to whom was referred the motion for a recommendation to the several legislatures to enact punishments against violators of the law of nations, report:

That the scheme of criminal justice in the several states does not sufficiently comprehend offenses against the law of nations:

That a prince, to whom it may be hereafter necessary to disavow any transgression of that law by a citizen of the United States, will receive such disavowal with reluctance and suspicion, if regular and adequate punishment shall not have been provided against the transgressor:

That as instances may occur, in which, for the avoidance of war, it may be expedient to repair out of the public treasury injuries committed by individuals, and the property of the innocent be exposed to reprisal, the author of those injuries should compensate the damage out of his private fortune.

*Resolved*, That it be recommended to the legislatures of the several states to provide expeditious, exemplary and adequate punishment:

First. For the violation of safe conducts or passports, expressly granted under the authority of Congress to the subjects of a foreign power in time of war:

Secondly. For the commission of acts of hostility against such as are in amity, league or truce with the United States, or who are within the same, under a general implied safe conduct:

Thirdly. For the infractions of the immunities of ambassadors and other public ministers, authorised and received as

[1] The resolutions in regard to the Marquis de la Fayette were also entered in the manuscript Secret Journal, Foreign Affairs. They are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 857.

such by the United States in Congress assembled, by animadverting on violence offered to their persons, houses, [carriages and property, under the limitations allowed by the usages of nations; and on disturbance given to the free exercise of their religion: by annulling all writs and processes, at any time sued forth against an ambassador, or other public minister, or against their goods and chattels, or against their domestic servants, whereby his person may be arrested: and,

Fourthly. For infractions of treaties and conventions to which the United States are a party.

The preceding being only those offences against the law of nations which are most obvious, and public faith and safety requiring that punishment should be co-extensive with such crimes:

*Resolved*, That it be farther recommended to the several states to erect a tribunal in each State, or to vest one already existing with power to decide on offences against the law of nations, not contained in the foregoing enumeration, under convenient restrictions.

*Resolved*, That it be farther recommended to authorise suits to be instituted for damages by the party injured, and for compensation to the United States for damage sustained by them from an injury done to a foreign power by a citizen.][1]

On the 23d of November, 1781, the secretary for foreign affairs laid before Congress the following "heads of a verbal communication" made to him by the minister of France: [2]

[1] This report, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress*, No. 28, folio 197.

The part in brackets was entered in the Journal by George Bond.

[2] This "verbal communication" and the letter from Count de Vergennes were not entered in the Public Journal, but are printed in the Secret Journal, Foreign Affairs, under date of January 25, 1782, and following the "plan of a convention respecting consular powers" adopted on that day. They are also printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 859, under date of November 23, 1781.

The minister of France informed the secretary for foreign affairs, that the Count de Vergennes, in a letter to him of the 7th of September, 1781, assured him that the King of France had received with great pleasure an account of Mr. Adams, Mr. Franklin, and Mr. Jay's appointment to the place of ministers for the negotiation of peace; and after expressing favourable sentiments of them, and Mr. Jefferson, from his general reputation, adds, that they have little reason to hope the assistance of Mr. Laurens, since the enemy will probably continue his captivity during the war. That the king accepted with pleasure the proofs which Congress have given him of their confidence when they intrusted to his care the interests of the United States. That he would use his influence and credit for the advantage of his allies, whenever a negotiation should render their interests a subject of discussion. That if he did not obtain for every state all they wished, they must attribute the sacrifice he might be compelled to make of his inclinations, to the tyrannick rule of necessity. That however he had no reason to believe that the events of the campaign would make an unfavourable change in the situation of affairs; and that from the present view of them, he had no cause to dread a disadvantageous peace. The Count adds, that he presumes Mr. Adams has communicated to Congress his Majesty's refusal to accede to the terms of the mediation of the imperial courts, until they should agree to acknowledge the American plenipotentiaries in the manner most conformable to the dignity of the United States; and observes thereon, that if the king was so attentive to a matter of form (though it might indeed in our present situation be considered as important,) he would not be less tenacious of our more essential interests, which he will be zealous to promote,

as far as circumstances will allow. But that if notwithstanding this, Congress, or even a considerable part of its members, should regret the confidence they had placed in his Majesty, or wish to free their ministers from this restraint, his Majesty would not disapprove the measure; provided they made their ministers answerable, as in justice they should be, in proportion to the powers with which they invested them. He expresses his satisfaction at the extensive powers with which the ministers are invested as to the matter of boundary, and the truce, which he says, the interests of France as well as of us, require to be as long as possible. With respect to the *statu quo*, he says, that though from the number of their conquests it would be beneficial both to France and Spain, yet it has not entered into their system so far as it regards America, and that his Majesty accordingly refused to accede to the plan of negotiation proposed by the mediating powers, which held up that idea. He exhorts the minister to recommend to Congress the most vigorous exertions, and to assure them that the expulsion of the enemy from this continent depends in a great measure on the exertion of the United States; that France would be able to afford us very little assistance; and that Britain, so far from discovering any inclination to peace upon reasonable terms, absolutely refused the plan of negotiation proposed by the mediating powers; so that arms alone could compel her to it. He mentions that the king, being apprehensive that the capture of the *Marquis de la Fayette* might reduce us to some difficulties, had ordered her cargo to be replaced immediately; and that in consequence of applications from the states of Virginia and Maryland, he had ordered a number of arms and military stores to be shipped to them, subject however to the order of

Congress. That this, and the cargo designed to replace that of the *Marquis de la Fayette*, were to be paid for out of the loan negotiated in Holland, which he had occasion to think would be completed. He expresses a desire that the plan for the appointment of consuls should be digested and adopted, as the Court of France wished to make it the basis of some commercial arrangements between France and the United States.

The secretary for foreign affairs farther informed Congress that the minister of France had communicated to him the following extract of a letter from the Count de Vergennes, which he had transmitted to the superintendent of finance.

Extract of a letter from the Count de Vergennes, September 7, 1781:

"We think that since the arrival of Colonel Laurens, you have stopped the bills of Mr. Morris on us, on Messrs. Le Couteulx. If the superintendent has not followed your advice, he will cause us some embarrassment, as we have not destinated any fund for that article. We have peremptorily declared to Dr. Franklin, that we will not in future discharge any bills that had not been drawn with your consent. As to you, sir, we cannot but repeat our former instructions on this subject; and we direct you to authorise no draft even for a small sum."

WAR OFFICE *November 23. 1781.*

SIR,

On considering the memorial of Captain Schreiber, who as an Engineer received his appointment from General Lincoln, when commanding at Charlestown having been a Captain in the Infantry of the State of South Carolina, I can only say that the report the Board of War made on his case was the result of their investigation into the matter as it then appeared to them and it seemed to be the wish of M^r^ Schreiber at that time to depart for Europe. General

Duportail is the best judge of his talents, and as to the necessity of his being continued in the service, Congress will be pleased to determine on the reasons the General assigns. Should they think it proper to repeal the former resolution Congress will be pleased to resolve,

On the representation of General Duportail of the merit of Captain Schreiber, and the necessity there is of retaining him in the Corps of Engineers,

*Resolved*, That Captain Schreiber of the Corps of Engineers retain his rank and appointments in that Corps, the resolution of the 12th Instant notwithstanding.[1]

Negatived.

## MONDAY, NOVEMBER 26, 1781

A letter, of this day, from Major General B. Lincoln was read, accepting the office of secretary at war.[2]

[*Ordered*,] Thursday next assigned for the consideration of the ordinance respecting captures.

Upon the petition of John Kinsbury, setting forth, that he was captured at Charlestown about the 12th of May 1780, That he had at the time of his being captured six thousand, two hundred dollars, part of which he received as pay. That by being under confinement from the time aforesaid until his parole was enlarged on the 15th June last he hath lost the benefit of said money. That he is desirous of returning to North Carolina to adjust some necessary matters relative to his company, but wants money to pay his expenses; and relative to his company, but wants money to pay his expenses;and praying relief in the premises, and that the Board of War or Paymaster General be directed to advance him such sums of money as may be sufficient to defray his expenses. The Committee of the Week report that the same benefits have been extended to the Peti-

[1] This report is in the *Papers of the Continental Congress*, No. 148, II, folio 463. It is indorsed: "Read November 23. The reasoning in the former part approved and therefore question taken on the resolve proposed passed in the negative."

A letter, of November 23, from Major General Duportail, was read, the indorsement indicates. It is in the *Papers of the Continental Congress*, No. 164, folio 362, and was referred to Mr. [Daniel] Carroll, Mr. [James] Madison, and Mr. [Ezekiel] Cornell, and, on their report, to the Secretary of Foreign Affairs.

[2] This letter is in the *Papers of the Continental Congress*, No. 149, I, folio 1.

tioner as to other officers in like circumstances. That Congress cannot at present advance any monies, and that therefore his petition cannot be granted.[1]

## TUESDAY, NOVEMBER 27, 1781

On reading a letter from the secretary of foreign affairs:

*Resolved,* That the superintendant of finance be, and hereby is authorised and directed to take under his care and management all loans or other moneys obtained in Europe or elsewhere for the use of the United States, subject to the appropriation of Congress.

Congress being informed of the arrival of General Washington in this city:

*Ordered,* That he have an audience in Congress to morrow at one o'clock.

## WEDNESDAY, NOVEMBER 28, 1781

Mr. [Henry] Wynkoop, a delegate for Pensylvania, and Mr. [William Churchill] Houston, a delegate for New Jersey, attended.

On a report of the Board of War, to whom was referred a memorial of Captain de Frey:

*Resolved,* That the resignation of Captain de Frey be accepted, Congress having no means of employing him in

[1] This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 41, V, folio 91. It is indorsed November 26.

The committee of the week reported that the prayer of Michael Andrew could not at present be granted, which report was concurred in, according to the indorsement. The report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 42, I, folio 48; Andrew's petition, dated November 16, 1781, is on folio 45.

A petition of Charles Frederick Führer, dated November 15, 1781, was referred to the Board of War, according to the indorsement. It is in the *Papers of the Continental Congress*, No. 42, III, folio 75, and the report of the Committee of the Week, recommending that it be referred to the Board of War, is indorsed on it, in the writing of William Ellery.

A letter of November 12 from General Schuyler was received and read about this date. It is in No. 153, III, folio 585.

the army of the United States, consistent with the arrangement thereof, though a meritorious officer:

That it be referred to the superintendant of finance to pay Captain de Frey, in cash or in bills of exchange, such sum as will enable him to return to France, in part of the balance which shall appear to be due to him on settlement of his accounts.[1]

On a report of a committee, consisting of Mr. [Roger] Sherman, Mr. [Edmund] Randolph, and Mr. [Elias] Boudinot, to whom was referred a letter of October 13, from Captain John Barry:

*Ordered,* That the superintendant of finance take measures for obtaining a copy of the proceedings of the court martial at Boston, in the case of three men belonging to the frigate *Alliance.*

*Ordered,* That a letter, of 17, from Major General Heath; the votes of thanks to the Commander in Chief and other officers for the signal successes in Virginia and the commanding officer in South Carolina and the other officers acting under him; together with the letter of 25 November from the Marquis de la Fayette, be referred to the Committee of Intelligence.[2]

According to order, General Washington attended, and being introduced by two members, the President addressed him as follows:

SIR: Congress, at all times happy in seeing your Excellency, feel particular pleasure in your presence at this time, after the glorious success of the allied arms in Virginia. It is their fixed purpose to draw every advantage from it by exhorting the states in the strongest terms to the most vigorous and timely exertions. A committee has accordingly been appointed to state the requisitions necessary to be made for the establishment of the army, and they are instructed to confer with you upon that subject. It is, therefore, the expectation of Congress that your Excellency would remain for some time in

[1] This report is in the *Papers of the Continental Congress,* No. 148, II, folio 483.

[2] Heath's letter is in the *Papers of the Continental Congress,* No. 157, folio 425; Lafayette's is in No. 156, folio 252.

Philadelphia, that they may avail themselves of your aid in this important business, and ~~it would at the same time be agreeable to them~~ that you may enjoy a respite from the fatigues of war, as far as is consistent with the service.

To which his Excellency made the following reply:

MR. PRESIDENT: I feel very sensibly the favorable declaration of Congress expressed by your Excellency. This fresh proof of their approbation cannot fail of making a deep impression upon me, and my study shall be to deserve a continuance of it. It is with peculiar pleasure I hear that it is the fixed purpose of Congress to exhort the states to the most vigorous and timely exertions. A compliance on their parts will, I persuade myself, be productive of the most happy consequences.

I shall yield a ready obedience to the expectation of Congress, and give every assistance in my power to their committee. I am obliged by the goodness of Congress in making my personal ease and convenience a part of their concern. Should the service require my attendance with the army upon the North River, or elsewhere, I shall repair to whatever place my duty calls, with the same pleasure that I remain in this city.[1]

On motion of the delegates for South Carolina:

*Resolved*, That the secretary at war take order for furnishing a waggon, with four horses and a driver, for the purpose of transporting to the southern army, a printing press and necessary apparatus, procured by the State of South Carolina.

Committee of the week beg leave to report,

That the memorial of Thomas Rutledge, dated November 26, 1781, be referred to the ~~Controuler of Accts.~~ Superintendant of Finance; and that the letter of George Reid dated October 7, 1781, so far as relates to his Rank, the memorial of L. D. Martin praying for subsistence &c., the memorial of Oliphant and others praying for pay &c., and the petition of Alexander Dow relative to rank and pay, be all referred to the Secretary of War.[2]

[1] Washington's reply is in the *Papers of the Continental Congress*, No. 152, X, folio 397.

[2] This report, in the writing of Richard Law, is in the *Papers of the Continental Congress*, No. 32, folio 287. It is indorsed: "Part agreed to."

Martin's memorial, dated November 24, 1781, is in No. 78, XVI, folio 275; the Olyphant memorial is in No. 41, VII, folio 296; Dow's petition, dated November 26, 1781, is in No. 41, II, folio 467.

## THURSDAY, NOVEMBER 29, 1781

A draft of a letter to his Most Christian Majesty, being reported, and sundry amendments being made, was passed.

The secretary of foreign affairs reported the draft of a letter to his Most Christian Majesty; which, being amended, was agreed to as follows:

The United States in Congress assembled, to their great, faithful and beloved friend and ally, Lewis the sixteenth, king of France and Navarre.

GREAT, FAITHFUL AND BELOVED FRIEND AND ALLY,

At a period so glorious to the arms of France, both by sea and land, and so favourable to the fortunes of America, it is with peculiar satisfaction that we congratulate the monarch, whose wise counsels and generous support have so largely contributed to events illustrious in themselves, and promising consequences truly important.

We wish to convey to your Majesty our sense of the victory obtained by the Count de Grasse over the enemy's fleet on our coast, and the subsequent reduction of the British armament in Virginia; and we repeat our grateful acknowledgments for the various aids so seasonably extended to us. From the benevolence and magnanimity which have hitherto interested your Majesty in the welfare of these states, we are convinced that you will on this occasion feel an equal pleasure with ourselves, whose immediate advantage is the result of such fortunate exertions.

We mention with very great pleasure the zeal and ability manifested by the Count de Rochambeau, commanding your Majesty's forces in the allied army. His conduct, and that of the officers under him, merit our fullest approbation; and we are made further happy by the perfect harmony and affection which have subsisted between the troops of the two nations.

The distress occasioned to the common enemy by combined operations, will, we trust, point out to both nations the utility of similar measures in future; and whilst it induces your Majesty to supply that naval force which the situation of our country renders necessary, will urge the United States to every effort which their particular interests, added to their desire of seconding your Majesty's views, can call forth to ensure the complete success of attacks upon the enemy's strongholds.

It is with great pleasure that the United States continue to number some of your Majesty's subjects amongst their most able, spirited and faithful officers. It affords the world a striking proof of the intimate connection which subsists between the allied nations, and at the same time serves to cement the union which it manifests.

Major General the Marquis de la Fayette has in this campaign so greatly added to the reputation he had before acquired, that we are desirous to obtain for him, on our behalf, every notice, in addition to that favourable reception which his merits cannot fail to meet with from a generous and enlightened sovereign; and in that view we have directed our minister plenipotentiary to present the marquis to your Majesty.

We pray God, great, faithful and beloved friend and ally, always to keep your Majesty in his holy protection.

Done at Philadelphia, the twenty-ninth day of November, in the year of our Lord 1781, and in the sixth year of our independence. By the United States in Congress assembled. Your faithful friends and allies.

(Signed) JOHN HANSON, *President.*[1]

CHARLES THOMSON, *Secretary.*

[1] This letter was entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal, No. 4. A copy is in Secret Journal, No. 6, Volume III. The

### FRIDAY, NOVEMBER 30, 1781

The ordinance respecting captures was taken into consideration, and it being moved by Mr. [Edmund] Randolph, seconded by Mr. [Daniel] Carroll, to insert,

Provided nevertheless, that all goods, wares and merchandises, of the growth, produce or manufacture of Great Britain, or of any country or territory depending thereon, and found within ten leagues of the coast of the United States, shall be liable to capture and condemnation, unless the same shall have been previously captured.

A motion was made by Mr. [William] Ellery, seconded by Mr. [George] Partridge, to amend by inserting after the word "found," "on board any ship or vessel belonging to the subjects of any prince, state or potentate not in alliance with these states."

On the question to agree to this amendment, the yeas and nays being required by Mr. [William] Ellery,

| | | | |
|---|---|---|---|
| *New Hampshire,* | | *New Jersey,* | |
| Mr. Livermore, | no * | Mr. Clark, | ay |
| *Massachusetts,* | | Houston, | no } div. |
| Mr. Partridge, | ay | *Pennsylvania,* | |
| Osgood, | no } div. | Mr. Atlee, | no |
| *Rhode Island,* | | Wynkoop, | no } no |
| Mr. Cornell, | no | *Maryland,* | |
| Ellery, | ay } div. | Mr. Hanson, | no |
| *Connecticut,* | | Carroll, | no } no |
| Mr. Law, | ay | *Virginia,* | |
| Wolcott, | no } div. | Mr. Jones, | no |
| *New York,* | | Madison, | no } no |
| Mr. Floyd, | no * | Randolph, | no |

draft, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 47, folio 331.

On this day, according to the indorsement, was read a letter of the same date from the Superintendant of Finance and referred to Mr. [Thomas] Bee, Mr. [William] Ellery, and Mr. J[oseph] Jones. It is in No. 137, I, folio 237.

| | | | | | |
|---|---|---|---|---|---|
| *North Carolina,* | | | *Georgia,* | | |
| Mr. Hawkins, | no | * | Mr. Telfair, | no | no |
| *South Carolina,* | | | N. W. Jones, | no | |
| Mr. Middleton, | no | | | | |
| Bee, | no | no | | | |
| Motte, | no | | | | |
| Eveleigh, | no | | | | |

So the amendment was lost.

On the question to agree to the main question, the yeas and nays being required by Mr. [William] Ellery,

| | | | | | |
|---|---|---|---|---|---|
| *New Hampshire,* | | | *Maryland,* | | |
| Mr. Livermore, | no | * | Mr. Hanson, | ay | ay |
| *Massachusetts,* | | | Carroll, | ay | |
| Mr. Partridge, | no | no | *Virginia,* | | |
| Osgood, | no | | Mr. Jones, | ay | |
| *Rhode Island,* | | | Madison, | ay | ay |
| Mr. Ellery, | no | div. | Randolph, | ay | |
| Cornell, | ay | | *North Carolina,* | | |
| *Connecticut,* | | | Mr. Hawkins, | ay | * |
| Mr. Law, | no | no | *South Carolina,* | | |
| Wolcott, | no | | Mr. Middleton, | ay | |
| *New York,* | | | Bee, | ay | ay |
| Mr. Floyd, | no | * | Motte, | ay | |
| *New Jersey,* | | | Eveleigh, | ay | |
| Mr. Clark, | ay | div. | *Georgia,* | | |
| Houston, | no | | Mr. Telfair, | ay | ay |
| *Pennsylvania,* | | | N. W. Jones, | ay | |
| Mr. Atlee, | ay | ay | | | |
| Wynkoop, | ay | | | | |

So the question was lost.[1]

[1] This vote and its result were entered in the Journal by George Bond.

Two letters of Major Galvan, dated November —, 1781, were read this month. They are in the *Papers of the Continental Congress*, No. 78, X, folios 357 and 361.

A letter of the same day from the Secretary at War, relative to the pay of American officers prisoners of war was read, as the indorsement shows. It is in No. 149, I, folio 5.

## MONDAY, DECEMBER 3, 1781

Mr. [George] Clymer, a delegate for Pensylvania, attended, and took his seat.

Mr. [Silas] Condict, a delegate for the state of New Jersey, attended, and took his seat.

On a report of a committee, consisting of Mr. [William] Floyd, Mr. [Abraham] Clark and Mr. [Richard] Law,

The Committee of the Week beg leave to report,

Passed. That the Petition of John David Woelpper be referred to the ~~Superintendent of Finance to report thereon~~ Secretary of War.

That the Petition of James Sproat be referred to the Superintendant of Finance to cause the Petitioners accounts ~~to be settled by the auditors~~ for pay due while he was in actual service to be settled at the time and in the manner officers in the hospital and medical department now in service are settled with.

Committed

They also beg leave to report the following Resolution on the application of Joseph Fry:

*Resolved*, That Joseph Fry be appointed door-keeper to Congress, and receive the same pay as allowed to the late door-keeper, his pay to commence from the 17th of October last.[1]

On report of a committee, consisting of Mr. [Thomas] Bee, Mr. [William] Ellery and Mr. J[oseph] Jones, to whom was referred a letter of 29 November, from the superintendant of finance:

*Resolved*, That the superintendant of the finances of the United States be, and hereby is authorised and directed, to apply and dispose of all monies which have been or may be obtained in Europe by subsidy, loan or otherwise, according to the several resolutions and acts of Congress now existing,

[1] This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 32, folio 289. Fry's application, undated, is in No. 42, III, folio 173.

or which may hereafter be made for the appropriation of monies belonging to the United States.

On a report from the war office:

WAR OFFICE *Dec. 3rd 1781.*

SIR,

One thousand stand of Arms have been lately drawn by the State of North Carolina by Virtue of an order from his Excellency General Washington. I am of opinion that the state of the Magazines in Virginia will permit a farther supply of one thousand stand of Arms, five hundred pounds of Gunpowder, one thousand pounds of musket ball, three thousand gun flints, one thousand Cartridge boxes, and ten thousand musket cartridges.[1]

*Resolved*, That the secretary at war take order for supplying the State of North Carolina, with the arms and other articles contained in a report from the war office of this date, and charge the same to the said State; provided the order from the Board of War of the 5 November last be not executed.[2]

Whereas H. Laurens Esq. formerly President of Congress and now invested with the character of a public Minister of the U. States, having been taken prisoner by the enemy in his voyage to Europe, has been and still is imprisoned in Great Britain under the description of a British subject suspected of High Treason, and a considerable number of other citizens of the United States made prisoners at different periods of the war have also been committed to the goals of Great Britain under warrants from officers of justice as traitorous subjects and many of them are still kept in rigorous imprisonment, and in other respects treated with an ignominy and severity unbecoming the character of prisoners of war; and whereas the dignity of the U. States, as a sovereign and independant nation as well as justice to their injured citizens requires that effectual measures should be taken for relieving them from their present sufferings, and procuring for them the treatment to which as prisoners of war they are entitled by the established usage of civilized nations

[1] This report is in the *Papers of the Continental Congress*, No. 149, I, folio 13.

[2] This resolution is in the *Papers of the Continental Congress*, No. 149, I, folios 9 and 11.

*Resolved,* That the Secretary of War be directed to take order for the immediate imprisonment of British officers most eminent for birth and rank, prisoners to the United States and not exempted therefrom by capitulation.

*Resolved,* That the Secretary of War be further directed to take order for the immediate imprisonment in the mines at Simsbury in Connecticut or elsewhere British Soldiers with a suitable proportion of officers under the rank of field officers, prisoners to the U. States, and not exempted therefrom by capitulation, and that he cause them to be treated in all other respects in such manner as will make their situation correspond as near as may be to that of the Citizens of the United States prisoners in Great Britain.

*Resolved,* That these resolutions shall continue in force until authentic information shall be received by Congress that H. Laurens Esq. and the other citizens therein referred to have been duly exchanged, or discharged from their commitment as traitorous subjects and treated in all respects as by the usages of war prisoners of war ought to be treated and no longer.

*Resolved,* That the Commander in Chief be directed to transmit a copy of the preceding resolutions to the officer commanding the forces of the King of Great Britain at New York.[1]

## TUESDAY, DECEMBER 4, 1781

Mr. [John] Hanson and Mr. D[aniel] Carroll, having been re-elected delegates to represent the state of Maryland, produced the credentials of their appointment, together with Mr. S[amuel] Chase and Mr. Turbutt Wright.

[1] This motion, in the writing of James Madison, is in the *Papers of the Continental Congress,* No. 19, III, folio 427. It is indorsed: Referred to the committee to confer with Washington. Motion of Mr. [James] Madison, Dec. 3, 1781.

On this day was read a letter of October 7 from P. Penet, according to the indorsement. It is in No. 78, XVIII, folio 465.

A letter, of November 30, from Robert Morris was read. It is in No. 137, II, folio 55.

Also a letter of December 3d from General Washington, which the indorsement states was referred to Mr. [Daniel] Carroll, Mr. [Ezekiel] Cornell, Mr. [Samuel John] Atlee, Mr. [Edmund] Randolph and Mr. [Nicholas] Eveleigh. It is in No. 152, X, folio 401.

ANNAPOLIS, MARYLAND,
BY THE HOUSE OF DELEGATES, *November 28, 1781.*

The House proceeded to the Choice of four Delegates to Congress, and the ballots being deposited in the ballot box, the Gentlemen named to strike retired, and after some time returned and reported, That upon examining the ballots it appeared, that John Hanson, Daniel Carroll, Samuel Chase, and Turbutt Wright, Esquires, had a majority of Votes.

Whereupon, *Resolved*, That John Hanson, Daniel Carroll, Samuel Chase, and Turbutt Wright, Esquires, be, and are hereby declared to be, Delegates to represent this State in Congress.

Extract from the Minutes,

F. GREEN, *Cl.*[1]

The ordinance respecting captures, being taken into consideration, and on a question to insert the following clause:

~~The Committee to whom were referred sundry proposed amendments to the draught of an Ordinance relating to Captures, report the following, in lieu of the provisoes agreed to be struck out:~~

Provided nevertheless, that from and after the 1st day of March, in the year 1782, all goods, wares and merchandizes, of the growth, produce or manufacture of Great Britain, or of any territory depending thereon, if found within three leagues of the coasts, and destined to any port or place of the United States, in any ship or vessel belonging to the citizens of the said states, or the subjects of any neutral power, shall be liable to capture and condemnation, unless the same shall have been previously captured from the enemy and condemned, or in consequence of capture, may be proceeding to some port or place not in the power of the said enemy, for trial and condemnation.[2]

The yeas and nays being required by Mr. [George] Partridge,

[1] The original is in the *Papers of the Continental Congress*, Maryland, *Credentials of Delegates*.

[2] This amendment, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 59, III, folio 271.

| | | | |
|---|---|---|---|
| *New Hampshire,* | | *Maryland,* | |
| Mr. Livermore, | no } * | Mr. Hanson, | ay } ay |
| *Massachusetts,* | | Carroll, | ay } |
| Mr. Partridge, | no } no | *Virginia,* | |
| Osgood, | no } | Mr. Jones, | ay } |
| *Rhode Island,* | | Madison, | ay } ay |
| Mr. Ellery, | ay } ay | Randolph, | ay } |
| Cornell, | ay } | *South Carolina,* | |
| *Connecticut,* | | Mr. Middleton, | ay } |
| Mr. Law, | ay } ay | Mathews, | ay } |
| Wolcott, | ay } | Bee, | ay } ay |
| *New York,* | | Motte, | ay } |
| Mr. Floyd, | ay } * | Eveleigh, | ay } |
| *New Jersey,* | | *Georgia,* | |
| Mr. Houston, | ay } * | Mr. Telfair, | ay } ay |
| *Pennsylvania,* | | N. W. Jones, | ay } |
| Mr. Clymer, | ay } ay | | |
| Wynkoop, | ay } | | |

So it was resolved in the affirmative.

The ordinance being read a third time, was passed as follows:

An ordinance, ascertaining what captures on water shall be lawful.

In pursuance of the powers delegated by the Confederation in cases of capture on water:

Be it ordained by the United States in Congress assembled, that from and after the first day of ~~November~~ February next, all resolutions and ordinances of Congress relating to captures or re-captures on water, and coming within the purview of this ordinance, except as is herein after excepted, shall be null and void: but questions of this nature arising before, or which shall be undetermined at that day, shall be determined at any time during the war with Great Britain, according to them, in the same manner as if this ordinance had never been made.

It shall be lawful to capture and to obtain condemnation of the property herein after enumerated, if found below high water mark; that is to say,

All ships and other vessels of whatsoever size or denomination belonging to an enemy of the United States, with their rigging, tackle, apparel and furniture.

All goods, wares and merchandizes belonging to an enemy, and found on board of a ship or other vessel of such enemy.

All contraband goods, wares and merchandizes to whatever nation belonging, although found in a neutral bottom, if destined for the use of an enemy; but the goods, wares and merchandizes belonging to an enemy, contraband goods, and goods destined to a blockaded, invested or besieged port, being always excepted, found in a vessel belonging to a foreign nation, other than an enemy, shall in no case be subject to condemnation.

~~Provided nevertheless that no goods, wares or merchandize belonging to the king of Great Britain or to any of his subjects shall be included in this exemption until the said king shall conform to the propositions contained in the declaration of Her Imperial Majesty of all the Russias of the ——day of—— respecting the rights of neutral nations.~~

~~Provided also that all goods, wares and merchandizes of the growth or manufacture of Great Britain or of any country or territory depending thereon directly bound to any port in the United States shall be liable to capture and condemnation unless previously captured.~~

Provided nevertheless, that from and after the first day of March, in the year one thousand seven hundred and eighty-two, all goods, wares and merchandizes of the growth, produce or manufacture of Great Britain, or of any territory depending thereon, if found within three leagues of the coasts and destined to any port or place of the United States, in any ship or vessel belonging to the citizens of the said states, or the subjects of any neutral power, shall be liable to capture and condemnation, unless the same shall have been previously captured from the enemy and condemned, or in consequence of capture may be proceeding to some port or place not in the power of the said enemy, for trial and condemnation.

All ships or other vessels, goods, wares and merchandizes belonging to any power or the subjects of any power against which letters of marque or reprisal shall have issued.

All ships or other vessels, with their rigging, tackle, apparel and furniture, and with their cargoes to whatsoever nation belonging, destined to any port or place invested, besieged or blockaded, by a sufficient force belonging to, in the service of, or co-operating with,

the United States, so effectually as that one cannot attempt to enter into such port or place without evident danger.

All ships or other vessels, with their rigging, tackle, apparel and furniture, and with their cargoes, found in the possession of pirates.

The goods, wares and merchandizes to be adjudged contraband, are the following, that is to say,

Cannons, mortars, fire-arms, pistols, bombs, granadoes, bullets, balls, fuses, flints, matches, powder, salt-petre, sulphur, carcases, pikes, swords, belts, pouches, cartouch-boxes, saddles and bridles, in any quantity beyond what may be necessary for the ship's provision, and may properly appertain to, and be adjudged necessary for, every man of the ship's crew or for each passenger.

If it shall manifestly appear, that of any entire thing of which division cannot be made without injury to its value, a subject of the enemy, and a citizen or a subject of a foreign power, not being an enemy, are joint holders, the whole shall be condemned and sold for gold or silver, the proper proportion of the net proceeds of which shall be deposited in the treasury of the State in which the sale shall be, to be paid to the order of such citizen, or the subject of such foreign power.

If such division can be accomplished, but neither the citizen nor the subject of a foreign power, nor his agent, shall require specific restitution of his property, there shall be a sale in the same manner as if the property were indivisible. But if in such case a requisition be made to this effect, the due proportion shall be specifically restored.

Where property shall have been originally captured on land from a State, or a citizen of the United States, and shall be re-captured below high-water mark by another citizen thereof, restitution shall be made to the former owner upon the payment of a reasonable salvage, not exceeding one-fourth part of the value; no regard being had to the time of possession by the enemy.

In all cases of re-capture by an armed vessel, fitted out at the expence of the United States, of a vessel or other effects belonging to a citizen, the court shall adjudge the proportion which would be due to the United States to be remitted to such citizen, no regard being had to the time of possession by the enemy.

On the re-capture by a citizen of any negro, mulatto, Indian, or other person, from whom labour or service is lawfully claimed by a State or a citizen of a State, specific restitution shall be adjudged to the claimant, whether the original capture shall have been made

on land or water, and without regard to the time of possession by the enemy, a reasonable salvage being paid by the claimant to the re-captor, not exceeding one-fourth of the value of such labour or service, to be estimated according to the laws of the State ~~of which the claimant shall be a citizen~~ under which the claim shall be made

But if the service of such negro, mulatto, Indian, or other person, captured below high-water mark, shall not be legally claimed ~~by a citizen of these United States~~ within a year and a day from the sentence of the court, he shall be set at liberty.

In all other cases of re-capture, restitution shall be made to the owner upon payment of one-third part of the true value for salvage, if the property shall have been re-taken in less than twenty-four hours after the capture. But if it shall not have been re-taken until the expiration of twenty-four hours after the capture, restitution shall not be made of any part.

Besides those who are duly authorised to make captures by special commission, captures of the property of an enemy shall be adjudged lawful when made:

1st. By a private vessel not having such commission, satisfactory proof being produced that they were made in pursuing the course of her voyage, and repelling a previous attack from an enemy.

2d. By any body or detachment of regular soldiers.

3d. By inhabitants of the country, if made within cannon-shot of the shore.

4th. By an armed vessel sailing under a commission of his Most Christian Majesty.

5th. By the crews of British vessels, while captures of this sort are licensed by the British.

Re-captures shall be made by no other persons than those authorised to make captures, except the crews of vessels re-taken.

The destruction of papers, or the possession of double papers by any captured vessel, shall be considered as evidence for condemnation, unless good cause be shewn to the contrary.

From and after the first day of ~~November~~ February, which shall be in the year of our Lord ~~1781~~ one thousand seven hundred and eighty-two, any letters of passport or safe conduct, granted before the 27th of March last, under the authority of Congress, to any person whatsoever, for removal of property from a place beyond sea within the dominions or possessions of the British king, shall be void.

Upon the capture of a vessel commissioned as a man of war or privateer, by any of the vessels of war of the United States of America,

the whole of the property condemned shall be adjudged to the captors, to be divided in the following manner, (saving to all persons who shall lose a limb in any engagement, or shall be otherwise disabled in the service of the United States, every benefit accruing to them under the resolutions of Congress of the ~~20th of August~~ twenty-eighth day of November, one thousand seven hundred and seventy-five,) that is to say,

To the commander in chief of the navy of the United States, shall be allotted one twentieth part of all prizes taken by an armed vessel or vessels under his orders and command: when there shall be no such commander in chief, the one twentieth part allotted to him shall be paid into the treasury of the United States.

To the captain of any single armed vessel, two twentieth parts, but if more ships or vessels be in company when a prize is taken, then the two twentieth parts shall be divided equally among all the captains.

To the captains of marines, lieutenants and masters, three twentieth parts of all prizes taken when they are in company, to be divided equally among them.

To the lieutenants of marines, surgeons, chaplains, pursers, boatswains, gunners, carpenters, masters' mates, and the secretary of the fleet, two twentieth parts, and half of one twentieth part, to be divided equally among them.

To the following petty warrant officers, viz. midshipmen, (allowed for each ship six, for each brig four, and for each sloop two,) captains' clerks, surgeons' mates, stewards, sail-makers, coopers, armourers, (allowing for each vessel one of each only,) boatswains' mates, gunners' mates, carpenters' mates, (allowing for each vessel two of each,) cooks, cockswains, (allowing for each vessel one of each,) serjeants of marines, (allowing two for each ship and one for each brig and sloop,) three twentieth parts, to be divided equally among them: and when a prize is taken by any vessel, on board or in company of which the commander in chief is, then the commander in chief's cook or cockswain shall be added to the petty warrant-officers, and share equally with them.

The remaining eight twentieth parts, and half of the one twentieth part shall be divided among the rest of the vessel's company or companies, as it may happen, share and share alike.

No officer nor man shall have any share, but such as are actually on board their several vessels when any prize or prizes shall be taken,

excepting only such as may have been ordered on board any other prizes, before taken or sent away by his or their commanding officers.

Upon the capture of any other vessel, if made by a vessel of war, belonging to the United States, one half of the property condemned shall be decreed to the United States, and the other half to the captors, to be divided as aforesaid; if by a private vessel not having a commission, the whole shall be decreed to the captors: if by any body or detachment of regular or other troops in the service of the United States, the whole shall be adjudged to the captors, to be divided in proportion to the pay in the line of the army: if by inhabitants of the country, being in arms, the whole shall be adjudged to the captors, to be divided equally among them: provided, that if any such inhabitant shall be wounded in making the capture, he shall be entitled to two shares, and if killed, his legal representatives shall be entitled to four shares; if by the crews of British vessels, the whole shall be adjudged to the captors, to be divided at the discretion of the court.

On re-capture by an armed vessel belonging to the United States, of a vessel under the protection of a vessel belonging to the enemy, commissioned as a man of war or privateer, or where the vessel re-taken is equipped in a war like manner, the proportion to be withdrawn from the original owner, shall be divided as in the case of a capture of an enemy's vessel commissioned as a man of war or privateer.

On re-capture by an armed vessel belonging to the United States, of a vessel under the protection of an hostile vessel not commissioned as a man of war or privateer; and where the vessel re-taken is not equipped in a war like manner, the proportion to be withdrawn from the original owner shall be divided, as in the case of an hostile vessel not commissioned as a man of war or privateer.

The rules of decision in the several courts shall be the resolutions and ordinances of the United States in Congress assembled, public treaties when declared to be so by an act of Congress, and the law of nations, according to the general usages of Europe. Public treaties shall have the pre-eminence in all trials.

This ordinance shall commence in force on the 1st day of ~~November~~ February, which will be in the year of our Lord 1782.[1]

Done ‖by the United States‖ in Congress ‖assembled,‖ &c. &c.

[1] This report is in the *Papers of the Continental Congress*, No. 59, III, folios 261–272. See *Ante* September 17.

The Committee of the Week report

That the memorial of Donald Campbell of the 3rd inst. appealing from the decision of the Comptroller of Accounts, on the settlement of his Accounts as Deputy Quartermaster General in the Northern department be referred to a special Committee.[1]

WAR OFFICE *December 4, 1781.*

SIR,

It appears by the petition of Captain Charles Fuhrer, that he was an officer in the Hessian line in the pay of Britain. That in the year 1777 he was a prisoner to the United States, while such he formed an attachment to their cause, and when exchanged thought it his interest to quit his former employ and become a citizen of America. Some time after it was proposed to raise a Corps by the name of the German Volunteers, in which he was appointed a Captain and made an attempt by addressing them to raise a spirit of desertion among the German troops but failing in this attempt, and all hopes of completing the Corps being given up, the officers were dismissed, on which the petitioner received three months' pay and went into other employ.

So that though his distresses, reprosented in his petition, may awaken the feelings of Congress I cannot see that he has any just demands on them.[2]

## WEDNESDAY, DECEMBER 5, 1781

A letter, of 24 November, from the governor of the State of New York, was read, together with concurrent resolutions of the senate and assembly of the said State, declarative of their sense on the acts of Congress of the 7th and 20th August

[1] This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 32, folio 295.

Campbell's memorial is in No. 41, II, folio 371, and was referred to a committee consisting of Mr. [George] Clymer, Mr. [William Churchill] Houston, and Mr. [Ezekiel] Cornell.

[2] This report is in the *Papers of the Continental Congress*, No. 149, I, folio 17. It was read this day as the indorsement states.

last, respecting the people residing on the New Hampshire Grants, on the west side of Connecticut River:[1]

*Ordered*, That the concurrent resolutions be filed in the secretary's office among the archives of Congress.

The committee, consisting of Mr. [James] Lovell, Mr. [Daniel] Carroll and Mr. [Thomas] Bee, to whom was referred a letter, of 30 November last, from Thomas Edison, report:

"That Thomas Edison has by an essential service to the United States and a singular proof of his fidelity to their interests, recommended himself to the attention and reward of Congress"; Whereupon,

*Ordered*, That the sum of two hundred and sixty-six dollars and two-thirds of a dollar be paid to Thomas Edison out of the treasury of the United States.[2]

## THURSDAY, DECEMBER 6, 1781

A motion was made by Mr. [William] Floyd, seconded by Mr. [Arthur] Middleton, to add as a farther description of the concurrent resolutions of the senate and assembly of the State of New York, which were read yesterday, the following words, to wit:

"And protesting against any attempt made by Congress to carry into execution their said acts of the 7th and 20th of August last."

And the yeas and nays being required by Mr. [Arthur] Middleton,

[1] These papers are in the *Papers of the Continental Congress* No. 40, II, folios 105–117, 123.

Another letter from the Governor of New York, of November 24, inclosing a resolution of senate and assembly relative to the financial condition of the State was read and referred to Mr. [Ezekiel] Cornell, Mr. [William Churchill] Houston and Mr. J[oseph] Jones. It is in No. 67, II, folio 445.

[2] This report, in the writing of James Lovell, except the first resolution which is in Thomas Bee's hand, is in the *Papers of the Continental Congress*, No. 19, II, folios 201 and 203. The resolution and order were also entered in the manuscript Secret (Domestic) Journal. Edison's letter is in No. 78, VIII, folio 375.

| | | |
|---|---|---|
| *New Hampshire,* | | |
| Mr. Livermore, | no | * |
| *Massachusetts,* | | |
| Mr. Partridge, | ay | div. |
| Osgood, | no | |
| *Rhode Island,* | | |
| Mr. Ellery, | no | no |
| Cornell, | no | |
| *Connecticut,* | | |
| Mr. Law, | ay | div. |
| Wolcott, | no | |
| *New York,* | | |
| Mr. Floyd, | ay | * |
| *New Jersey,* | | |
| Mr. Clark, | ay | ay |
| Condict, | ay | |
| *Pennsylvania,* | | |
| Mr. Clymer, | ay | ay |
| Wynkoop, | ay | |
| *Maryland,* | | |
| Mr. Hanson, | ay | div. |
| Carroll, | no | |
| *Virginia,* | | |
| Mr. Jones, | ay | ay |
| Madison, | ay | |
| Randolph, | ay | |
| *South Carolina,* | | |
| Mr. Middleton, | ay | ay |
| Mathews, | ay | |
| Bee, | ay | |
| Eveleigh, | ay | |
| *Georgia,* | | |
| Mr. Telfair, | ay | ay |
| N. W. Jones, | ay | |

So it was lost.

DEC 6, 1781

The Committee to whom was referred the memorial of Donald Campbell late D Q M G. of the Northern department, submit the following report.

That the accounts of the memorialist were finally adjusted at the Treasury office, and transmitted to the Register to be entered of record, on the twenty fourth of November one thousand seven hundred and eighty one and the balance of five thousand five hundred and ninety five dollars and thirty five ninetieths in specie certified by the Comptroller of accounts to the Superintendent of Finance as due to the memorialist; all which appears by the certificate of the Comptroller annexed to this report.

That by the ordinance for regulating the treasury and adjusting the publick accounts passed the 11 day of September 1781, appeals are admitted in the first instance from the judgment of the Clerks to that of the Auditours, and in the second from the Auditours to the Comptroller, and due time is allowed to prefer such appeals, but by the said Ordinance it is expressly declared that the decision of the Comptroller shall be conclusive.

That the Committee presume Congress having adopted this as a general regulation in preference before the mode heretofore practised of admitting appeals to themselves, will not depart from it in particular cases.

That the Committee are therefore of opinion, the Memorialist be informed that his appeal cannot be received.[1]

The Committee of the Week report,

That the memorial of Major W. MacPherson requesting an allowance and settlement of the depreciation of his Pay and

The application of Major E. Giles for an advance of two months Pay, be referred to the Secretary at War to report.[2]

### FRIDAY, DECEMBER 7, 1781

Sundry letters were read and a report of a committee debated, but no resolution agreed to.[3]

### MONDAY, DECEMBER 10, 1781

On a report from the secretary at war, to whom was referred a petition of Captain Adrian Provaux,

*Resolved*, That Captain Adrian Provaux, of the 2d South Carolina regiment, have a furlough for five months, for the

[1] This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 19, I, folio 509.

[2] This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 32, folio 293. The indorsement shows it was passed on this day. Giles's application, dated December 6, 1781, is in No. 78, X, folio 377.

A letter of this day from the Secretary at War concerning the prisoners of war taken at Yorktown was read, as the indorsement states, and referred to Mr. J[oseph] Jones, Mr. [Daniel] Carroll and Mr. [Ezekiel] Cornell. It is in the *Papers of the Continental Congress*, No. 149, I, folio 23.

Also a letter of December 4th from General Washington, enclosing a copy of an application from Captain Adrian Provaux, dated November 1, 1781. Washington's letter is in No. 152, X, folio 405. The copy of Provaux's application is on folio 411, and was, according to the indorsement, referred to the Secretary at War December 6.

[3] A letter of the same day from Charles Friedrich Führer was read, as the indorsement indicates; it is in the *Papers of the Continental Congress*, No. 78, IX, folio 495. It is indorsed: "Answered by the letter of 4 from the Secy. at War."

purpose of settling the affairs of his deceased father at Cape François.[1]

On a report of a committee, consisting of Mr. [Daniel] Carroll, Mr. [Ezekiel] Cornell, Mr. [Samuel John] Atlee, Mr. [Edmund] Randolph and Mr. [Nicholas] Eveleigh, appointed to report the number of men necessary to be raised for the ensuing year, and to whom sundry other matters were referred:

The Committee to whom were referred the affairs of the Army submit the following report:

*Resolved,* That the legislature of each State raise, at the expence thereof, in the first instance, to be reimbursed by the United States, so many men as may be necessary to complete the quota assigned to such State, out of the number of land forces agreed upon in the resolution of the 3d and 21 days of October, 1780, calculating the deficiency upon the number of men whose time of service will expire on or before the first day of March, 1782.

*Resolved,* That the legislature of each State be called upon, in the most pressing manner, to cause the quota thereof of land forces, to be compleated and in the field by the first day of March next, and to provide for replacing those men whose time of service shall expire between the said first day of March, 1782, and the last day of November in the said year.

*Resolved,* That it be recommended to the legislature of each State, to fill up the quota thereof of land forces by inlistments for three years, or during the war.

*Resolved,* That such states as now have any non-commissioned officers or privates in any of the regiments of cavalry, legionary corps, artillery, or Hazen's regiment, be credited in their quotas for such men, according to the numbers, from time to time; for which purpose the Commander in Chief is hereby directed to specify such non-commissioned officers

[1] This report is in the *Papers of the Continental Congress*, No. 149, I, folio 31.

and privates to the states to which they formerly belonged, in the returns which he shall make to the states, and in his annual return to Congress.

*Resolved,* That the Commander in Chief cause returns to be made as speedily as possible, to the legislature of each State, as well of the number of men whose time of service expire before the first day of March, 1782, as of those whose time of service will expire on or before the last day of November in the year aforesaid.

~~Resolved that as soon as the number of white inhabitants in each state shall be ascertained the requisitions hereinafter made shall be liquidated and adjusted in that proportion: and every state furnishing more than its quota according to such liquidation and adjustment, shall be credited, or furnishing less shall be charged therewith.~~[1]

The Committee to whom was referred a letter of the 6th instant from the Secretary at War report:

That it be earnestly recommended to the executive authority of the States of Virginia and Maryland respectively to furnish such number of Men and Teams as the Secretary at War shall think necessary to guard and remove prisoners of War from Winchester to Fredericktown and from thence to Lancaster and to guard such prisoners of War as shall remain at Winchester and Fredericktown. This guard to serve until they are relieved by a detachment from the Continental Army or troops raised specially for that purpose, and that the Secretary at War take measure accordingly.[2]

The Committee of the Week report,

That the letter of Captain T. B. Hugon and the letter and memorial of Lieutenant Colonel T. Woolford and others, all officers of the Maryland and Virginia Lines be referred to the Secretary at War.[3]

[1] This report, in the writing of Daniel Carroll, is in the *Papers of the Continental Congress*, No. 21, folio 263.

[2] This report, in the writing of Ezekiel Cornell, is in the *Papers of the Continental Congress*, No. 27, folio 147; it was read on this day, as the indorsement shows.

[3] This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 32, folio 291. It was agreed to on this day, as the indorsement shows. Hugon's letter is in No. 78, XII, folio 201. The memorial of the officers of the Maryland and Virginia Lines is in No. 41, VII, folio 302, and the letter transmitting it, on folio 300.

Also on this day was read a letter from Eben Hazard, dated December 10; it is in No. 61, folio 83.

### TUESDAY, DECEMBER 11, 1781

A motion was made by Mr. [Daniel] Carroll, seconded by Mr. [Isaac] Motte,

That it be recommended to the legislatures of the several states, to cause to be taken and transmitted to Congress, as soon as practicable, the number of the white inhabitants thereof, pursuant to the ninth article of the Confederation.

On which the yeas and nays being required by Mr. [Daniel] Carroll,

| | | |
|---|---|---|
| *New Hampshire,* | | |
| Mr. Livermore, | ay | * |
| *Massachusetts,* | | |
| Mr. Lovell, | ay | ay |
| Partridge, | ay | |
| *Connecticut,* | | |
| Mr. Law, | no | no |
| Wolcott, | no | |
| *New York,* | | |
| Mr. Floyd, | ay | * |
| *New Jersey,* | | |
| Mr. Clark, | ay | ay |
| Condict, | ay | |
| *Pennsylvania,* | | |
| Mr. Clymer, | ay | ay |
| Wynkoop, | ay | |
| *Maryland,* | | |
| Mr. Hanson, | ay | ay |
| Carroll, | ay | |
| *Virginia,* | | |
| Mr. J. Jones, | ay | ay |
| Madison, | ay | |
| Randolph, | ay | |
| *North Carolina,* | | |
| Mr. Hawkins, | ay | * |
| *South Carolina,* | | |
| Mr. Middleton, | ay | ay |
| Mathews, | ay | |
| Bee, | ay | |
| Motte, | ay | |
| Eveleigh, | ay | |
| *Georgia,* | | |
| Mr. Telfair, | ay | ay |
| N. W. Jones, | ay | |

So it was resolved in the affirmative.[1]

[1] A resolution of the Senate and House of Delegates of Virginia relative to the impressment of provisions for British prisoners was this day referred to the Secretary at War and Superintendent of Finance, according to the indorsement. It is in the *Papers of the Continental Congress*, No. 75, folio 351, and another copy is on folio 353.

Also a letter, of December 6, from Captain John Davis. It is in No. 78, VII, folio 423, and was referred to the Secretary at War.

A letter of December 10th from the Secretary at War, relative to the pay of American officers, prisoners of war, was read, as the indorsement shows, and recommitted. It is in No. 149, I, folio 33.

## WEDNESDAY, DECEMBER 12, 1781

The report of the committee on the instructions from the general Assembly of Massachusetts to their delegates, debated and re-committed.

The Committee of the Week Report,

That the Letter of Decr 10th from Major Edward Giles respecting the Brevet Commission granted to him by Congress on the 9th of March be referred to a special Committee, it being necessary that Congress should either explain their intentions in passing that Resolve or that the merits of the case of Major Giles should be passed upon anew.

That the Memorial of several officers of the Pennsylvania Line dated Decr 10th respecting their pay be referred to the Secretary of War.

That the Petition of David Rees respecting his account of rum furnished to the Southern Army be referred to the Comptroller of the Treasury.

That the Letter account and Vouchers of John Dusseron be referred to the Comptroller.[1]

## FRIDAY, DECEMBER 14, 1781

On a report of the secretary at war, to whom was referred sundry applications of particular officers,

WAR OFFICE *Dec. 11th 1781.*

SIR,

That Captain Hugan has served in the Southern Department near two years without pay cannot be doubted, or that he is justly entitled

[1] This report, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 32, folio 297. The indorsement shows it was passed on this day. Giles's letter is in No. 78, X, folio 381; the memorial of the Pennsylvania officers is in No. 41, VII, folios 308 and 312.

A letter, of November 20, from the Governor of Vermont, was read on this day, together with a report of proceedings of the Vermont legislature on the acts of Congress of 7th and 20th August, 1781. The letter is in No. 40, II, folio 119, and the report on folios 65–75.

Also a letter of the same day from the Secretary at War reporting his conference with the Superintendent of Finance. It is in No. 149, I, folio 41.

to the full balance of pay due to him. Yet I see nothing in his situation which should give him the preference and especially of officers who are now in the field, and whose pay from necessity has been as long detained. In order to prevent the frequent applications of this kind, the expense arising to individuals who make them and the confusion which will be introduced into our public accounts by such partial payments as well as the discontentment arising from the unequality of payments to different officers,

I beg leave to submit to the consideration of Congress the propriety of the following resolve:

*Resolved,* That in future no particular warrants issue in favour of any officers in actual service in the line of any State, for pay or subsistance, but that at all times they draw their pay and subsistance with the regiment to which they respectively belong, from the paymaster of such regiment.[1]

On another report from the secretary at war, to whom was referred a letter from John Sprague, in behalf of Brigadier General James Reed,

WAR OFFICE *Dec. 7. 1781.*

SIR,

It appears by a letter from John Sprague in behalf of Brigadier General James Reed of the State of New Hampshire, and the papers accompanying it which are referred, that by a resolve of Congress of the 3rd of January last, General Reed was put on the list of retiring officers, and the State of New Hampshire was requested to provide for his half pay and for the payment of his depreciation from the time of his appointment to that day, no provision was made in said resolve for the discharge of his pay which was due to him from the first day of August 1779 to the last day of December 1780, 17 months, nor for his retained rations from the first of September 1778 to the last day of December 1780, 852 days eleven in each day amounting to 9,372 rations; all which appears to be his just due.

I beg leave therefore to submit the following resolve:

*Resolved,* That it be recommended to the State of New Hampshire to make up the depreciation of Brigadier General Reed's pay from the time of his appointment to the first day of August 1779 and to pay him the real value of his wages as established by Congress, at the

[1] This report is in the *Papers of the Continental Congress*, No. 149, I, folio 37.

rate of one hundred and twenty five dollars per month from the first day of August 1779 to the last day of December 1780, seventeen months amounting to two thousand one hundred and twenty five dollars, and that they pay him for his retained rations, at one ninth of a dollar each ration, from the first day of September 1778 to the 31st day of December 1780, eight hundred and twenty five days, eleven rations per day, nine thousand three hundred and seventy two rations at one ninth of a dollar amounting to one thousand forty one dollars and three ninths of a dollar.[1]

*Resolved*, That it be recommended to the State of New Hampshire to make up the depreciation of Brigadier General Reed's pay, from the time of his appointment to the first day of August, 1779, and to pay him the real value of his wages as established by Congress, at the rate of one hundred and twenty-five dollars per month, from the first day of August, 1779, to the last day of December, 1780; and that they pay him for his retained rations, amounting to 9,372, at the rate of one-ninth of a dollar per ration.

On a report of a committee appointed to confer with the Commander in Chief on the arrangement of the army, to whom was referred a report of the Board of War on a memorial of Major Galvan,

The Committee to whom was referred the report of the Board of War of the 14th of November last on the Memorial of Major Galvan report the following resolution (to wit).

*Resolved*, That notwithstanding Congress entertain a just sense of the merit of Major Galvan, the good of the service will not permit his being promoted at this time.[2]

On application of the Delegates of South Carolina

*Resolved*, That the Secretary at War take order for furnishing the said Delegates with 4,000 stand of arms, lb. 4,000 weight of musket powder lb. 12,000 lead, 12,000 flints, the said supply to be on account of the State of South Carolina and charged to the said

[1] This report is in the *Papers of the Continental Congress*, No. 149, I, folio 27.

[2] This report, in the writing of Ezekiel Cornell, is in the *Papers of the Continental Congress*, No. 19, II, folio 367.

State; [and also on the application of the delegates for the State of Georgia, 500 stand of arms 1,500 pounds musket powder, 1,500 pounds lead and 1,500 flints for which the said State is to be accountable.][1]

## SATURDAY, DECEMBER 15, 1781

On motion of Mr. [Ezekiel] Cornell, seconded by Mr. [Abraham] Clark,

*Resolved*, That the resolution passed yesterday against issuing particular warrants, and respecting the mode of drawing for pay and subsistance, be extended to officers of the seperate corps, as well as to those in the lines of the several states.

On a report from the Secretary at War, to whom were referred motions made by the delegates of South Carolina and Georgia, for arms and ammunition for the use of their respective states,

WAR OFFICE *December 15th 1781.*

SIR,

I have attended to the motion for supplying South Carolina with four thousand stand of arms a quantity of ammunition &c. I am sorry that the state of our magazines here and in Virginia will not admit our sending at this time a supply which the representatives of the State think necessary to its safety. I hope however though their request cannot be fully complied with, yet if Congress should think proper to order the number of arms &c. mentioned in the draft of a

[1] This motion, in the writing of Nicholas Eveleigh, except the part in brackets, which is in Arthur Middleton's writing, was referred, as the indorsement shows, to the Secretary at War. It is in the *Papers of the Continental Congress*, No. 36, I, folios 239, 241.

A petition of John Wheelock, President of Dartmouth College, was read on this day and referred to a committee, Samuel Livermore, Daniel Carroll, and William Churchill Houston; it is in the *Papers of the Continental Congress*, No. 19, VI, folio 535.

A letter from Captain John Davis, of this date, was read on this or an approximate date. It is in the *Papers of the Continental Congress*, No. 78, VII, folio 431.

A letter, dated December 3, 1781, from Brigadier General Wm. Irvine, was read on this day and referred to the Secretary at War, according to the indorsement; it is in the *Washington Papers*, 97, folio 255.

resolve herewith submitted that the relief will for the present be ample and especially considering the eight hundred stand of arms, sent on from Virginia to General Greene, the three hundred stand reported in favor of Georgia and the two thousand stand lately granted to North Carolina.

*Resolved*, That the Secretary at War take order for furnishing the delegates of South Carolina with twelve hundred stand of arms, twelve hundred cartouch boxes, one ton of musket powder, two tons of lead, five thousand flints, with a sufficient quantity of paper and thread to make the powder into cartridges, the said supply to be charged to the account of the said State:

That the Secretary at War take order for furnishing the delegates of the State of Georgia, with three hundred stand of arms and accoutrements, three hundred cartouch boxes, five hundred pounds of powder, one thousand pounds of lead, fifteen hundred flints, with a sufficient quantity of thread and paper to make up the powder into cartridges, the said supply to be on the account and charged to the State of Georgia.[1]

On a report of a committee, consisting of Mr. [Edmund] Randolph, Mr. [William] Ellery, and Mr. [Arthur] Middleton, to whom was referred a petition of John Larreguy, in behalf of John Joseph Lacoizqueta and John Barberis, subjects of his Catholic Majesty, concerning twenty-two barrels of cochineal, said to have belonged to the said Lacoizqueta and Barberis, and stated by him to have been taken by a vessel bearing the commission of the United States, and condemned in the first instance by the maritime court of Massachusetts, and afterwards by the Court of Appeals:

*Resolved*, That the said John Larreguy be informed that the Court of Appeals is the established judicature in the United States, in the last resort, on questions relative to prize; that the judges of that court are left free in their

[1] This report is in the *Papers of the Continental Congress*, No. 149, I, folio 49.

judgment; that as no proof nor even insinuation is suggested, that they affirmed the sentence of the maritime court of Massachusetts against their conscience, Congress cannot interfere in the complaint contained in the said petition; but that application for relief against the sentence of affirmation, if any, ought to be made to the Court of Appeals.[1]

On a report of a committee, consisting of Mr. [George] Clymer, Mr. [James] Lovell, and Mr. [Benjamin] Hawkins, to whom was referred a letter of 10 from Major Giles,

The Committee to whom was referred the letter of Decr 10th from Major Giles, report.

That by a resolution of Congress passed upon the 30th of April 1778 it was settled that brevets given to commissioned officers in the United States should give rank only in detachments and on Courts Martial and should not entitle to any encrease of pay.

That upon November 24th of that same year, it was determined that no brevets should be granted in future except to officers in the line or for eminent services.

That brevets variously worded have been since given to officers not of the line and therefore must have been for eminent services.

That some have been given to persons who were quitting the service while others appear to have been given for the purpose of placing in service those who were honoured with them.

That Major Giles appears to be of the latter class because the brevet of Major was given to him, on March 9th 1781 upon the representations which several general officers made of his military talents and past services and particularly upon the letter of Brigadier Morgan of Jany 20th which your Committee herewith present.

That the brevet however which was given to Major Giles does not contain any words whereby he is entitled to pay even while in actual service although when a brevet was granted to Major McPherson upon the 16th of Septr 1779 it was resolved that he should receive the pay and subsistence of a Major while in actual service.

The Committee therefore recommend that (if Congress think it inexpedient to grant regular commissions to Major Macpherson and

[1] This report, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress*, No. 19, III, folio 413. Larreguy's petition, dated October 4, 1781, is in No. 43, folio 141. According to the indorsement, it was read and committed December 14.

Major Giles to bear dates correspondent to those of their brevets) it be

*Resolved,* That Major Edward Giles, while in actual service, be entitled to receive the pay and subsistance of a major.[1]

Whereas it has been attended with much uncertainty and litigation to determine when an armed vessel or vessels may be said to be so in sight as to entitle them to share in any capture made, which to prevent,

*Resolved,* that no vessel or vessels for the future shall be entitled to share in any capture made unless they are so in sight at the time of capture as to be within gun shot of the vessel captured in which case and in no other the friendly vessel or vessels, being armed manned and properly commissioned shall be entitled to share with the captors in such prize or prizes so captured in proportion to their respective number of men and weight of metal, any law usage or custom to the contrary notwithstanding.[2]

## MONDAY, DECEMBER 17, 1781

On a report of a committee, consisting of Mr. J[oseph] Jones, Mr. [William] Ellery, and Mr. [Samuel] Osgood, to whom was referred a letter from Richard Peters, esq. late a commissioner of the Board of War,

The Committee to whom was referred the letter of Richard Peters late commissioner of the Board of War of the 29th of this month beg leave to report as their opinion—

*Resolved,* That Mr. Peters' letter be entered on the Journal, and that he be informed that Congress are sensible of his merit, and convinced of his attachment to the cause of his

[1] This report, in the writing of George Clymer, is in the *Papers of the Continental Congress,* No. 19, II, folio 407.

[2] This motion, by Richard Law, and in his writing, was offered on this day and referred, as the indorsement shows, to Mr. [Edmund] Randolph, Mr. [William] Ellery and Mr. [Richard] Law. It is in the *Papers of the Continental Congress,* No. 36, I, folio 243.

Also a letter of this date from the Secretary at War; it is in No. 149, I, folio 45.

country, and return him their thanks for his long and faithful service in the war department.[1]

The letter is as follows:

WAR OFFICE, *November 29, 1781.*

SIR,

General Lincoln having taken upon him the business entrusted to my care, and the powers with which I was honored ceasing, I have delivered to him the books and papers of the department, and beg to take my most respectful leave of Congress as a public officer. After my having exercised under their immediate observation, for more than five years past, an arduous employment, which, in its commencement, I had to organize and arrange, in its progress always to share, and for no inconsiderable portion of the time, solely to support its difficulties, it is needless for me to make any professions of unalterable attachment to the cause of my country. It gives me pleasure that the situation of public affairs has, in a considerable degree, abated the embarrassments attending the department, and that the gentleman who succeeds to it will have to travel in a path, though not without its impediments, yet less thorny than that trodden by his predecessors. Far from being greedy after fame, I shall deem myself fortunate, if, through the vicissitudes of the war, and in the various scenes of business I have been engaged, I have conducted myself irreproachably. I am happy that the time I leave the public business, is one of the most prosperous periods of the war, and that it can be so agreeably contrasted with that in which I was called to it. I shall return on this account, with great cheerfulness, because I can do it with honor, to the duties of a private citizen, and hope ere long to enjoy in peace that independence, which in prospect has animated me through many a toilsome day, and will amply reward me for the loss of private ease and fortune, and all the perplexities and distresses I have continually assisted to encounter in the department in which I had the honor to serve.

I have the honor to be, with the greatest respect,

Your very obedient servant,

RICHARD PETERS.

His excellency the President of Congress.[2]

[1] This report, in the writing of Joseph Jones, is in the *Papers of the Continental Congress*, No. 19, V, folio 137.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 469. The indorsement shows that it was read in Congress, November 29, and referred to Mr. J[oseph] Jones, Mr. [William] Ellery and Mr. [Samuel] Osgood.

A letter to the states reported and agreed to, urging them to comply with the requisitions for men and money.

The committee, consisting of Mr. [Edmund] Randolph, Mr. ———, reported the draft of a circular letter to the states, which was agreed, and is as follows:

GENTLEMEN,

We are happy to observe that the present year hath been distinguished by the reduction of a powerful British garrison in Virginia, and that our arms have also been prosperous in other parts of the United States. But to infer that our inexorable foe is subdued beyond recovery, may be attended with ruinous consequences. These events will yield but momentary advantages, unless supported by vigorous measures in future.

From an assurance that peace is best attained by preparations for war, and that in the cabinet of negotiations those arguments carry with them the greatest weight which are enforced not only with a retrospect of important victories, but by a well grounded prospect of future successes, we have called upon you for eight millions of dollars, and for your respective deficiencies of the military establishment.

Seven years have nearly passed since the sword was first unsheathed. The sums expended in so long a period in a just and necessary war must appear moderate; nor can any demand for pecuniary aid be deemed exorbitant by those who compute the extent of the public exigencies and the proportion of the requisition to the abilities of the states.

Suppose not that funds exist for our relief beyond the limits of these states. As the possessions of the citizens constitute our natural resources, and from a sense of their sufficiency the standard of war was

erected against Great Britain, so on them alone we now rely. But even if loans were attainable, their amount would be merely commensurate with our ability and inclination to repay; and by nothing can both be more satisfactorily evidenced than by a generous exertion amidst the languor of public credit. Arguing from the former dilatoriness of supplies, the enemy, after having abandoned serious expectations of conquest by arms, anticipate it in imagination from the dissolution of our public credit.

They cannot however deny the firmness of the basis on which it may be placed, when they survey the wide limits of this confederate country, the fruitfulness of its soil, and the industry of its people.

But the want of money is not the only source of our difficulties; nor do the enemy gather consolation from the state of our finances alone. We are distressed by the thinness of our battalions. So vulnerable does the boldness of navigation render the very bosom of these states, so dispersed in some parts is the population, and so rapid our enemy in transportation, that they seize and exhaust large districts before their ravages can be checked. The requisition for the completion of your battalions is therefore not only reasonable, but indispensable.[1]

Tardiness in the collection of our troops has constantly encouraged in our enemy a suspicion that American opposition is on the decline. Hence money from time to time is poured into the coffers of our enemy; and the lender is perhaps allured by the prospect of receiving it with an usurious interest from the spoils of confiscation.

To whom then rather than yourselves, who are called to the guardianship and sovereignty of your country,

[1] Up to this point the draft was copied out fair by Thomson.

can these considerations be addressed? Joint labourers as we are, in the work of independence, duty impels us to admonish you of the crisis. We possess no funds which do not originate with you. We can command no levies, which are not raised under your acts. Well shall we acquit ourselves to the world, should peace, towards the acquisition of which so illustrious a point hath been gained, now escape our embraces, by the inadequacy of our army, or our treasure: for an appeal to this exposition of your affairs will demonstrate our watchfulness of your happiness.

We conjure you to remember what confidence we shall establish in the breast of that great monarch, who has become a party in our political welfare, by a bold, energetick display of our ability.

We therefore trust in your attention and zeal to avail yourselves, at this important crisis, of the glorious advantages lately obtained, by a full compliance with these requisitions of men and money which we have made to you, and the necessity of which hath been pointed out to us by the maturest consideration on the present circumstances of these United States.

By order of Congress.

JOHN HANSON, *President.*[1]

[1] This letter was entered only in the manuscript Secret (Domestic) Journal and in No. 12 (Estimates). The draft from which it was made is in the writing of Edmund Randolph, from which, in Daniel Carroll's hand, was made the draft adopted. The Randolph draft is as follows:

The United States in Congress Assembled to the legislatures of the States of New Hampshire, Massachusetts, Rhode Island, and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

GENTLEMEN,

If peace be your hope its accomplishment must be sought in earnest preparations for war. In the cabinet of negotiation he the most easily persuades, who, having overthrown his enemy, shows himself able to prevent a recovery.

The present year hath indeed been distinguished by the reduction of a powerful British garrison in Virginia and repeated victories in other parts of the continent.

## TUESDAY, DECEMBER 18, 1781

On report of the committee appointed to report the number of men, &c.

*Resolved,* That it be recommended to the legislature of each State to appoint one or more places at which the recruits thereof shall rendezvous, to supply such recruits with provisions from the time of their being mustered until they shall join the army; and to give notice of the place

But it would be ruinous to infer that our inexorable foe is subdued because he is checked. This event therefore is not the ultimate good, for which we labour. Nay, it will yield but a momentary advantage, unless the happy blow shall be pursued with vigor.

From an assurance of these truths we have lately made requisitions for eight millions of dollars, and the deficiencies of the military establishment.

Six years have elapsed since the sword was first unsheathed. During this period, moderation hath marked every call for supplies nor can this demand for pecuniary aid be deemed exorbitant by those, who compute the extent of public exigencies, and the distant proportion of eight millions of dollars to the immense mass of property, devoted, on the eruption of the contest, to the cause of freedom.

Suppose not that funds exist for our relief beyond the limits of these states. As the the possessions of the citizens constitute our natural resources and from a sense of their sufficiency the standard of war was erected against Great Britain so on them alone we now rely. But even if loans were attainable, their amount would be merely commensurate with our ability and inclination to repay, and by nothing can both be more satisfactorily evidenced than by a generous exertion amidst the languor of public revenue.

Arguing from the former dilatoriness of supplies, the enemy, after having abandoned serious expectations of conquest by arms anticipate it in imagination from the dissolution of our public credit. They cannot however deny the firmness of the basis, on which it may be placed when they survey the wide limits of this confederate country, the fruitfulness of its soil, and the industry of its people.

But does the want of money only beget difficulties? Did we consecrate our wealth only to the American war? Have we a belief that we shall derive every other succour from friends? or does the enemy gather consolation from the supposed decay of our finances alone? No.

We are distressed by the thinness of our battalions also. So vulnerable does the boldness of navigation render the very bosom of these states, so dispersed in some parts is the population, and so rapid our enemy in transportation that they seize and exhaust large districts before their ravages can be checked. These hostile insults would quickly cease from an experience of their inefficacy, if our military force would suffer important detachments. Perhaps it might be hazardous to affirm that upon the completion of the establishment, our yeomanry might always remain at

or places so appointed to the Commander in Chief, or the commanding officer of the southern department, who, upon receiving such notice, will send to each place of rendezvous a judicious, faithful officer, whose duty it shall be to muster the recruits and forward them to the places of their destination; to keep a size-roll of all the men he shall muster, and give a copy thereof to the officer commanding the recruits sent forward as aforesaid; to transmit weekly a copy of the roll to the executive of the State for which the recruits are mustered; and, upon mustering a recruit, to certify to the person producing him, the class, town and county for which he was engaged to serve, which certificate shall be full

home. And yet it must be conceded that, in this event, harrassments of the militia would be often avoided, or if drawn into service they would act with double power when seconded by a party howsoever small, of regular troops.

This requisition is not only reasonable, but indispensible. Reasonable because at the commencement of the war, the great body of the people inlisted under the banners of liberty—indispensible, because we have no authority to expect, that the want of numbers in our own army will be supplied by auxiliary forces.

Tardiness in the collection of our troops has constantly encouraged in our enemy a suspicion, that American opposition is on the decline. Hence money from time to time, is poured into the coffers of our enemy and the lender perhaps is allured by the prospect of receiving it, with an usurious interest from the spoils of confiscation.

To whom then rather than yourselves who are called to the guardianship and sovereignty of your country can these considerations be addressed? Joint labourers as we are in the work of Independance, duty impels us to admonish you of the crisis. We possess no funds, which do not originate with you—we can command no levies, which are not raised under your own acts. Well shall we acquit ourselves to the world, should peace, towards the acquisition of which so illustrious a point hath been gained, now escape our embraces, by the inadequacy of our army or our treasure; for an appeal to this exposition of your affairs will demonstrate our watchfulness of your happiness.

We conjure you to remember, what confidence we shall establish in the breast of that great monarch, who has become a party in our political welfare; by a bold, energetic display of our ability.

Trusting therefore that these Representations will cause you to weigh, with attention and zeal, this precious moment, and thus produce the men and money, lately required, we pray God to have you in his holy keeping.

Done &c.

This draft is in the *Papers of the Continental Congress*, No. 24, folio 321, Carroll's draft being on folio 325, and Thomson's copy on folio 313

evidence that an able-bodied man has been mustered and received.[1]

## WEDNESDAY, DECEMBER 19, 1781

On motion of Mr. [Ezekiel] Cornell, seconded by Mr. [Samuel] Osgood,

*Resolved,* That in case the superintendant of finance shall find it convenient and proper to provide by contract for supplying the recruits at and from the places of rendezvous until they join the army, the states may be relieved from that duty.

On the report of the committee, appointed to report the number of men, &c.

The Committee appointed to confer with the Commander in Chief on the report of the Board of War, respecting the General Officers submit the following resolutions:

*Resolved,* That the Commander in Chief do from time to time, as occasion may require, make known to the Secretary at War, the number of general officers which he shall judge necessary to be in the field, in the main and seperate armies, and in different parts of the United States, and that on the receipt thereof, the Secretary at War shall issue his orders to such general officers as he shall think proper, to remain in or take the field for the purpose of compleating the said number, and that he report to Congress the names of the officers remaining in, or called into the field.

[1] This report, in the writing of Ezekiel Cornell, is in the *Papers of the Continental Congress*, No. 19, VI, folio 371. A copy by Charles Thomson is on folio 373.

A letter of December 4 from the President of New Hampshire to the delegates of that State in Congress was read, as the indorsement shows, on this day, and referred to a committee, consisting of Mr. [Daniel] Carroll, Mr. [Ezekiel] Cornell, Mr. [Abraham] Clark, Mr. J[oseph] Jones and Mr. [Arthur] Middleton. It is in the *Papers of the Continental Congress*, No. 40, II, folio 137.

A letter, of 15, from the Legislature of New Jersey to their delegates in Congress was read, as the indorsement shows, and referred to the committee appointed to confer with the Commander in Chief. It is in the *Papers of the Continental Congress*, No. 68, folio 587.

*Resolved*, That every general officer who shall not be in the field agreeably to the foregoing resolution, shall be considered as being on the half pay establishment, but liable to be called into the field; and that every general officer who shall have been on the half pay establishment according to the preceding resolution, and shall be recalled into the field, shall receive during his continuance in actual command every allowance and emolument incident to his rank.

~~Resolved That if any General Officer shall at the time of entering upon the half pay establishment, certify to the Secretary at War his election to continue thereon he shall not be liable to be called into the field as aforesaid.~~[1]

A motion was made by Mr. [William] Ellery, seconded by Mr. [Arthur] Middleton, to add the following proviso, to wit:

Provided nevertheless, that no general officer shall remain in or take the field without the approbation of Congress.

On the question to agree to this proviso, the yeas and nays being required by Mr. [William] Ellery,

| | | | | | |
|---|---|---|---|---|---|
| *New Hampshire*, | | | *New Jersey*, | | |
| Mr. Livermore, | no | * | Mr. Clark, | no | no |
| *Massachusetts*, | | | Condict, | no | |
| Mr. Lovell, | no | | *Pennsylvania*, | | |
| Partridge, | no | no | Mr. Montgomery, | no | |
| Osgood, | no | | Clymer, | no | no |
| *Rhode Island*, | | | Wynkoop, | no | |
| Mr. Ellery, | ay | | *Maryland*, | | |
| Cornell, | no | div. | Mr. Hanson, | no | |
| *Connecticut*, | | | Carroll, | no | no |
| Mr. Law, | no | | *Virginia*, | | |
| Wolcott, | no | no | Mr. J. Jones, | no | |
| *New York*, | | | Randolph, | no | no |
| Mr. Floyd, | no | * | | | |

[1] This report, in the writing of Daniel Carroll, is in the *Papers of the Continental Congress*, No. 19, VI, folio 375. The motion following it, in the writing of Charles Thomson, is on the same folio.

| *South Carolina,* | | | *Georgia,* | | |
|---|---|---|---|---|---|
| Mr. Middleton, | ay | | Mr. Telfair, | no | |
| Mathews, | no | | N. W. Jones, | no | no |
| Bee, | no | no | | | |
| Motte, | no | | | | |
| Eveleigh, | no | | | | |

So it passed in the negative.

THURSDAY, DECEMBER 20, 1781

On a report of the committee appointed to confer with the Commander in Chief:

*Resolved,* That the Commander in Chief be informed that it is the earnest desire of Congress that he should take the most effectual measures for procuring the exchange of his excellency Thomas Burke, governor of North Carolina, for some of the subjects of his Britannic Majesty, not military, who were made prisoners of war under the capitulation of York in Virginia, and that he report to Congress his proceedings therein;[1]

*Resolved,* That the Commander in Chief be directed to obtain the fullest information he can, respecting the powers and conduct of a set of men who stile themselves, *the board of directors to the associated loyalists in New York,* and report thereon to Congress.

On report of a committee, consisting of Mr. [William Churchill] Houston, Mr. [Ezekiel] Cornell and Mr. J[oseph] Jones, to whom was referred a letter of 24 November, from the governor of the State of New York,

*Ordered,* That the Secretary at War furnish to the order of Mr. [William] Floyd, one of the delegates for the State of

[1] This resolution was also entered in the manuscript Secret (Domestic) Journal.

New York, two tons of gun-powder, and charge the same to the said State.[1]

### FRIDAY, DECEMBER 21, 1781

On motion of Mr. [Abraham] Clark, seconded by Mr. [Isaac] Motte,

*Resolved*, That at eleven o'clock every morning, to which Congress is adjourned, the secretary shall call the states, and in case a sufficient number to proceed upon business should not be present, the President shall then adjourn Congress for that day without a question, and the Secretary shall note in a book to be kept for that purpose, the states unrepresented.

*Ordered*, That Mr. [John] Mathews have leave of absence.

### MONDAY, DECEMBER 24, 1781

Mr. [Jonathan] Elmer, a delegate for New Jersey, attended.

On a report from the Secretary at War,

WAR OFFICE *21st December 1781.*

SIR,

The method hitherto practiced in the Army of inlisting men to serve as fifers and drummers and paying them additional pay is attended with manifest injury to the service for nothing is more common than to see men employed in that duty who are in every respect fit for soldiers, whilst boys hardly able to bear arms are put into the ranks, and the Commanding officers of Corps have not the power of remedying this evil without violating the engagement of the men enlisted as *drummers or fifers*.

I therefore wish Congress would be pleased to order, that for the future no recruit should be *engaged* as drummer or fifer; but that

[1] This report, in the writing of Ezekiel Cornell, is in the *Papers of the Continental Congress*, No. 20, I, folio 379.

A memorial of George Glentworth and others, supernumerary physicians and surgeons of the general hospital, was presented this day and referred to the Secretary at War, as the indorsement shows. It is dated December 17, 1781, and is in the *Papers of the Continental Congress*, No. 41, III, folio 483.

the commanding officers of Corps should be authorized to employ such of their men on that duty from time to time as shall be most proper and that the additional pay to such who shall be so employed hereafter shall be appropriated to the repair of their drums and fifes. Also that the number of men employed on that duty in any Corps, shall not exceed the proportion allowed the respective Corps in the establishment.

If Congress should approve of these sentiments I beg to submit to their consideration the propriety of passing the inclosed minutes of a resolve:

*Resolved*, That in future no recruit shall be inlisted to serve as a drummer or fifer. When such are wanted, they shall be taken from the soldiers of the corps, in such numbers and of such description as the Commander in Chief or the commanding officer of a seperate army shall direct, and be returned back and others drawn out as often as the good of the service shall make necessary.

That all drummers and fifers, after being supplied each with a good drum and fife, shall keep the same in repair by stoppages from his pay, in such manner as the commanding officer of the corps shall order.[1]

A letter, from the superintendant of finance, was read, wherein he requests that Congress will be pleased to appoint two auditors as soon as may be convenient.[2]

An ordinance respecting the hospital department was read the first time:

*Ordered*, That Wednesday next be assigned for the second reading of this ordinance.

On a report of a committee, consisting of Mr. [James] Lovell, Mr. [Roger] Sherman, and Mr. [George] Clymer, to whom was referred so much of a report from the Committee of Commerce as relates to the salary of Mr. William Bingham,

[1] This report is in the *Papers of the Continental Congress*, No. 149, I, folio 59; the resolution being on folio 57.

[2] This letter is in the *Papers of the Continental Congress*, No. 137, I, folio 253.

The Committee to whom was referred the Report of the Commercial Committee respecting the salary and expences of M^r^ Bingham as political Agent of Congress in the French West Indies report the same resolution as was presented by the Commercial Committee, viz:

*Resolved*, That there be passed to the credit of William Bingham, esq, on the treasury books, the sum of one hundred and ten thousand three hundred and twenty-four livres of Martinique, due to him as the political agent of the United States in the French West Indies, to bear an interest [of six per cent. per annum,] from the 14 day of June last.[1]

Wednesday and Friday employed in the second reading of the ordinance on the hospital department, which, after debate, was referred to a new committee.[2]

## SATURDAY, DECEMBER 29, 1781

On report of a committee, consisting of Mr. [Arthur] Middleton, Mr. [George] Clymer and Mr. [Abraham] Clark, to whom was referred a motion for supplying the several States with copies of ordinances or reports previously to their being debated,

*Ordered*, That whenever a day is assigned for the consideration of any ordinance or report, upon a matter of importance and not of a secret nature, the secretary, *ex officio*, cause to be made out and laid upon the table of Congress, as soon as may be, a copy of such ordinance or report for each State represented in Congress, for the information of members previously to their being debated.[3]

[1] This report, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 19, I, folio 351. The words in brackets were added in Congress.

[2] On December 24, was read a letter of 10th from the Governor of New Hampshire. It is in the *Papers of the Continental Congress*, No. 64, folio 210.

On December 24, according to the indorsement, was read a letter of December 21 from Richard Peters. It is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 473.

Also a letter of December 24 from General Washington. It is in No. 152, X, folio 417.

[3] This report is in the *Papers of the Continental Congress*, No. 23, folios 83–87.

An ordinance for incorporating the subscribers to the national bank, was read a first time:

The Committee appointed to confer with the Bank upon the act of incorporation proposed by them to Congress.

Report,

That it does not seem probable, that an Act of incorporation could be obtained from the Legislature of Pennsylvania before the middle of next March.

That in the Meantime, the finances of the United States must suffer considerably without the aid of the Bank.

That the Bank cannot operate without an act of incorporation from Congress itself.

The Committee therefore—

Report the following act of incorporation (here read the act, and let a question be taken upon reading it a second time on Monday next) and the Committee beg leave to sit again.

~~*Resolved*, That it be recommended to the Legislature of Each State to pass a Law, ratifying the preceding act of incorporation; and to pass other laws according to the recommendations, contained in the Resolutions of the 26th day of May last, respecting the National Bank.~~[1]

*Ordered*, That Monday next be assigned for a second reading.[2]

[1] This report, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress*, No. 59, III, folio 315.

[2] A letter of December 21 from Major General William Heath, enclosing a paragraph of a letter from Brigadier General John Stark, was read this day, as the indorsement shows, and referred to a committee consisting of Mr. [Daniel] Carroll, Mr. [Ezekiel] Cornell, Mr. [Abraham] Clark, Mr. [Joseph] Jones and Mr. [Arthur] Middleton. It is in the *Papers of the Continental Congress*, No. 40, II, folio 173.

A letter of December 27 from the Secretary at War enclosing a statement by Captain Pry of losses of clothing was delivered December 28; it is in No. 149, I, folio 73, and Pry's memorial, dated December 26, 1781, is on folio 67.

Also on the same date, according to the indorsement, a letter of December 27 from General Washington was read and referred to Mr. [George] Clymer, Mr. [Ezekiel] Cornell, and Mr. [Richard] Law. It is in No. 152, X, folio 425, and is printed in *The Writings of Washington* (Ford), IX, 421.

**MONDAY, DECEMBER 31, 1781**

The ordinance for incorporating the subscribers to the Bank of North America, was read a second time, and ordered to be read a third time at two o'clock.

On report of the committee, appointed to confer with the Commander in Chief, to whom was referred a report of the Board of War respecting a number of officers not belonging to the line of any particular State or seperate corps of the army,

The Committee appointed to confer with the Commander in Chief and Secretary at War on the subject contained in a report of the Board of War respecting a number of Officers not belonging to the line of any particular State or separate corps of the Army having proceeded according to order, Report,

That there are a number of officers in different parts of the United States who do not belong to the line of any particular State or seperate corps of the Army from the frequent reductions of which most of them are left without employ. The additional expence of pay and subsistence of so large a number of Officers is a burden too great for the public to bear, and if continued must in its consequences opperate to the great injury of Officers whose service is absolutely necessary Therefore be it

*Resolved*, That all officers of the line of the army, below the rank of brigadier general, who do not belong to the line of any particular State or seperate corps of the army, and are entitled by acts of Congress to pay and subsistance, shall have the same with the depreciation of their pay made good to the first day of January, 1782.

*Resolved*, That the Secretary at War be, and he is hereby directed to make returns to Congress on or before the 20th day of January, 1782, of the names and rank of all the officers necessary to be retained in service, that are included in the preceding resolution.

*Resolved*, That all officers included in the foregoing description, and whose names shall not be inserted in the returns directed to be made by the preceding resolution, shall be considered as retiring from service on the 1st day of January, 1782; provided always, that nothing contained in these resolutions, shall be construed so as to prevent or hinder any officer that shall retire as aforesaid, from enjoying all the emoluments that he may, upon retiring, be entitled to by any former acts of Congress.

*Resolved*, That it be recommended to the several states respectively, to settle the depreciation of the pay of all the officers that are inhabitants of their respective states, and shall retire from service under the preceding resolutions, in the same manner as they settled with the officers of the line of their State, and charge the same to the United States: and that the depreciation of all officers of the line of the army, not being inhabitants of the United States, nor belonging to the line of any State, be settled upon the same scale by which the settlement was made with the officers and privates of Colonel Hazen's regiment.[1]

The ordinance being read a third time, was agreed to as follows:

An ordinance to incorporate the subscribers to the bank of North America.

~~Whereas a National Bank, properly constituted, governed and Conducted, will be of great advantage to these United States: and whereas a Subscription for a National Bank has been opened, and the Subscribers deserve the Protection, encouragement and assistance of the public: And whereas it is proper and necessary that the Subscribers to this Bank should be incorporated in order to carry into full effect the good ends proposed by it.~~

Whereas Congress on the 26th day of May last did, from a conviction of the support which the finances of the United States would

[1] This report, in the writing of Ezekiel Cornell, is in the *Papers of the Continental Congress*, No. 27, folio 149, the closing sentence in the report specifying the settlement "agreeable to the resolution of Congress of the 16th April, 1781."

receive from the establishment[1] of a national bank, approve a plan for such an institution submitted to their consideration by Robert Morris, esq. and now lodged among the archives of Congress, and did engage to promote the same by the most effectual means; and whereas, the subscription thereto is now filled from an expectation of a charter of incorporation from Congress, the directors and president are chosen, and application hath been made to Congress by the said president and directors for an act of incorporation: and whereas, the exigencies of the United States render it indispensably necessary that such an act be immediately passed:

Be it therefore ordained, and it is hereby ordained, by the United States in Congress assembled, that those who are, and those who shall become subscribers to the said bank be, and forever after shall be, a corporation and body politic to all intents and purposes, by the name and stile of "The President, Directors and Company of the Bank of North America."

And be it further ordained, that the said corporation are hereby declared and made able and capable in law, to have, purchase, receive, possess, enjoy, and retain lands, rents, tenements, hereditaments, goods, chattels and effects, of what kind, nature or quality soever, to the amount of ~~thirty~~ ten millions of Spanish silver milled dollars and no more; and also to sell, grant, demise, alien, or dispose of the same lands, rents, tenements, hereditaments, goods, chattels and effects.

And be it further ordained, that the said corporation be, and shall be forever hereafter, able and capable in law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend, and be defended, in courts of record or any other place whatsoever; and to do and execute all and singular other matters and things that to them shall or may appertain to do.

And be it further ordained, that for the well governing of the said corporation and the ordering of their affairs, they shall have such officers as they shall hereafter direct or appoint: Provided nevertheless, that twelve directors, one of whom shall be the president of the corporation, be of the number of their officers.

And be it further ordained, that Thomas Willing be the present president, and that the said Thomas Willing, and Thomas Fitzsimmons, John Maxwell Nesbit, James Wilson, Henry Hill, Samuel Osgood, Cadwallader Morris, Andrew Caldwell, Samuel Inglis, Samuel Meredith, William Bingham, Timothy Matlack, be the present directors of

[1] The rest of the entry in the Journal for this day is in the writing of George Bond.

the said corporation; and shall so continue until another president and other directors shall be chosen according to the laws and regulations of the said corporation.

And be it further ordained, that the president and directors of the said corporation, shall be capable of exercising such power for the well governing and ordering of the affairs of the said corporation, and of holding such occasional meetings for that purpose, as shall be described, fixed and determined by the laws, regulations and ordinances of the said corporation.

And be it further ordained, that the said corporation may make, ordain, establish, and put in execution such laws, ordinances and regulations as shall seem necessary and convenient to the government of the said corporation.

[Provided always, that nothing herein before contained, shall be construed to authorize the said corporation, to exercise any powers in any of the United States, repugnant to the laws or constitution of such State.]

And be it further ordained, that the said corporation shall have full power and authority, to make, have and use, a common seal, with such device and inscription as they shall think proper, and the same to break, alter and renew at their pleasure.

And be it further ordained, that this ordinance shall be construed, and taken most favorably and beneficially for the said corporation.[1]

Done in Congress, &c. &c.

[1] A copy of this ordinance, in which the preamble was struck out, is in the *Papers of the Continental Congress*, No. 59, III, folio 309. It did not include the statement of the amount of the capital of the bank or the names of the directors. On folio 305 is a copy of the ordinance and preamble as adopted. The paragraph in brackets is based upon a draft, in Abraham Clark's writing, on folio 316. There is a separate list of the president and directors on folio 313.

The following, in Edmund Randolph's writing, is on folio 316½:

Whereas Congress on the 26th day of May 1781, did from a Conviction of the Support which the finances of the United States would receive from the Establishment of a National Bank, approve a plan of such an institution, submitted to their consideration by Robert Morris Esqr and did engage to promote the same by the most effectual means:

And Whereas the subscription thereto is now filled from the expectation of a Charter of incorporation from Congress, the directors and President are chosen and application hath been made by the President and directors elected for an immediate act of incorporation.

And Whereas without an ~~immediate~~ act of incorporation from Congress ~~the operations of the bank must be at least suspended for a considerable time,~~ the subscribers

*Resolved*, That it be recommended to the legislature of each State, to pass such laws as they may judge necessary, for giving the foregoing ordinance its full operation, agreeably to the true intent and meaning thereof, and according to the recommendations contained in the resolutions of the 26th day of May last.[1]

FOOTNOTE—Continued.

will be left free to withdraw their subscriptions, the present bank may be dissolved, and it may be rendered difficult to erect another if not impossible upon the same plan, ~~and even if the present bank should be continued~~ even a delay in granting a charter of incorporation would suspend the operations of the Bank for a considerable time, and thereby cut off a succour immediately and absolutely necessary to the United States:

Be it Ordained &c. &c.:—

A resolution to accompany the Ordinance.

*Resolved*, That it be recommended to the legislature of each State ~~immediately~~ to pass an act ~~ratifying the preceding ordinances, and to pass other laws,~~ according to the recommendations contained in the resolutions of the 26th day of May last.

[1] The draft of this resolution, in Edmund Randolph's writing, is in the *Papers of the Continental Congress*, No. 59, III, folio 315.

A letter of December 24 from the Governor of New York relative to treasonable intercourse between the leaders of the government of the New Hampshire Grants and the enemy was read on this or some approximate date. It is in the *Papers of the Continental Congress*, No. 40, II, folio 179.

Also a petition of James O'Dea dated Paimbœuf [France] October 7, which is in No. 42, VI, 47.

Also a letter, of December 25, from Major General Heath. It is in No. 157, folio 431; and one, of December 26, from him, which is on folio 435.

# STANDING COMMITTEES



86382°—VOL 21—12——27

## STANDING COMMITTEES [1]

### *Admiralty, Board of*

| | | |
|---|---|---|
| 15 May, | 1781. | Daniel of St. Thomas Jenifer |

### *Medical*

| | | |
|---|---|---|
| 16 February, | 1781. | William Burnett |

### *Treasury*

| | | |
|---|---|---|
| 17 January, | 1781. | George Walton, in place of Motte |
| 5 February, | 1781. | George Walton excused |
| 6 February, | 1781. | George Walton |
| | | Thomas Smith |
| 28 May, | 1781. | William Churchill Houston in place of Walton |
| 16 June, | 1781. | Samuel Osgood in place of Houston |
| 1 August, | 1781. | Ezra L'Hommedieu in place of Thomas Smith |

### *Committee of the Week* [2]

| | | |
|---|---|---|
| 7 May, | 1781. | John Mathews |
| | | Daniel Carroll |
| | | James Mitchell Varnum |
| 14 May, | 1781. | Samuel Johnston |
| | | John Sullivan |
| | | James Madison |
| 21 May, | 1781. | Samuel John Atlee |
| | | Samuel Livermore |
| | | Nicholas Eveleigh |

[1] See pages 1229 and 1230 of Vol. XVIII. I now give such appointments only as were made in 1781.

[2] Appointments were at first recorded in the Journal; but, beginning with November 5, 1781, they are found only in *Papers of the Continental Congress*, No. 186, Committee Book.

| | | |
|---|---|---|
| 28 May, | 1781. | William Churchill Houston |
| | | William Few |
| | | Artemas Ward |
| 4 June, | 1781. | Oliver Ellsworth |
| | | Isaac Motte |
| | | Richard Howly |
| 11 June, | 1781. | Roger Sherman |
| | | Joseph Montgomery |
| | | William Sharpe |
| 18 June, | 1781. | George Partridge |
| | | Thomas Rodney |
| | | Richard Potts |
| 25 June, | 1781. | Meriwether Smith |
| | | James Mitchell Varnum |
| | | Thomas Bee |
| 2 July, | 1781. | Samuel Livermore |
| | | Theodorick Bland |
| | | George Walton |
| 9 July, | 1781. | Thomas Rodney |
| | | Richard Potts |
| | | Joseph Montgomery |
| 16 July, | 1781. | Edmund Randolph |
| | | Oliver Ellsworth |
| | | Nicholas Eveleigh |
| 23 July, | 1781. | Elias Boudinot |
| | | Daniel Mowry |
| | | William Sharpe |
| 30 July, | 1781. | Jonathan Elmer |
| | | Nicholas Van Dyke |
| | | Joseph Montgomery |
| 6 August, | 1781. | George Partridge |
| | | James Duane |
| | | Richard Howly |
| 13 August, | 1781. | Joseph Jones |
| | | Daniel of St. Thomas Jenifer |
| | | Daniel Mowry |
| 20 August, | 1781. | Samuel John Atlee |
| | | James Madison |
| | | Samuel Livermore |

| | |
|---|---|
| 27 August, 1781. | Nicholas Eveleigh |
| | John Witherspoon |
| | Richard Howly |
| 3 September, 1781. | Meriwether Smith |
| | George Clymer |
| | Thomas Bee |
| 10 September, 1781. | George Partridge |
| | Daniel Mowry |
| | George Walton |
| 17 September, 1781. | Edward Telfair |
| | Elias Boudinot |
| | Joseph Montgomery |
| 24 September, 1781. | Abraham Clark |
| | John Hanson |
| | William Sharpe |
| 1 October, 1781. | Jonathan Elmer |
| | Arthur Middleton |
| | Noble Wimberly Jones |
| 8 October, 1781. | Joseph Jones |
| | Benjamin Hawkins |
| | Roger Sherman |
| 15 October, 1781. | Isaac Motte |
| | Samuel John Atlee |
| | Daniel Mowry |
| 22 October, 1781. | John Witherspoon |
| | Richard Law |
| | George Partridge |
| 29 October, 1781. | Samuel Osgood. |
| | Nicholas Eveleigh |
| | James Madison |
| 5 November, 1781. | Thomas Smith |
| | Isaac Motte |
| | Benjamin Hawkins |
| 12 November, 1781. | Thomas Bee |
| | James Mitchell Varnum |
| | Daniel Carroll |
| 19 November, 1781. | William Ellery |
| | Oliver Wolcott |
| | Ezekiel Cornell |

| | |
|---|---|
| 26 November, 1781. | William Floyd |
| | Abraham Clark |
| | Richard Law |
| 3 December, 1781. | William Churchill Houston |
| | Henry Wynkoop |
| | Edmund Randolph |
| 10 December, 1781. | George Clymer |
| | James Lovell |
| | Benjamin Hawkins |
| 17 December, 1781. | Jonathan Elmer |
| | Nicholas Eveleigh |
| | William Floyd |
| 24 December, 1781. | Joseph Montgomery |
| | James Lovell |
| | William Floyd |
| 31 December, 1781. | Oliver Wolcott |
| | Henry Wynkoop |
| | Silas Condict |

# BIBLIOGRAPHICAL NOTES

1197

# BIBLIOGRAPHICAL NOTES.

**February 3.**

**Resolution on Impost.**

355. Resolved, That it be recommended to the several / states, as indispensably necessary to the restoration of public credit, . . . / . . . to vest in the united / states in congress assembled a power to levy for the / use of the united states, a duty of five per cent ad / valorem. F°. Broadside.

**March 3.**

**Report on Convention Prisoners.**

356. United States in Congress assembled, / March 3, 1781. F°. 1 l.

Report of Kean, Gorham, Pinckney, Smith and Grayson.

**March 27.**

**Capture and Condemnation of Prizes.**

357. An Ordinance, / Relative to the Capture and Condemnation of / Prizes. March 27, 1781. Signed, Sam'l Huntington, President. Philadelphia: Printed by David C. Claypoole. F°. Broadside.

A copy is in the Library of Congress. It measures 34 x 21 cm.

358. An Ordinance, / relative to the Capture and Condemnation of Prizes. F°. Broadside.

This is the same ordinance as the preceding number, but differs in type and arrangement, and the printer's name does not appear.

A copy is in the Library of Congress. It measures 30.1 x 20.3 cm.

**April 7.**

**Instructions to Privateers.**

359. By the / United States / In Congress Assembled, / April 7, 1781. / Be it ordained, and it is hereby ordained by the United States in Congress / assembled, that the following Instructions be observed by the Captains or Com-/manders of private armed vessels,

commissioned by letters of marque or general / reprisals, or otherwise by the authority of the United States in Congress assembled. /

Signed: / Extract from the Minutes, / CHARLES THOMSON, Secretary. / F°. Broadside.

A copy is in the John Carter Brown Library. It measures 33.8 x 20.7 cm.

**May 26.**

**Plan of Bank of North America.**

**360.** Plan for Establishing a National Bank for the United States . . . . To which is annexed, a Resolution of Congress, of the 26th of May 1781, acceding thereto; And a Particular Explanation of the Use of said Bank, By Robert Morris, Esquire, Superintendant [sic] of the Finance of America. Providence: . . . . Bennett Wheeler, [1781.] 8°. pp. 11.

Title from *Sabin*. Cf. *Journals* May 26 and December 31, 1781.

**December 4.**

**Ordinance for Marine Captures.**

**361.** An Ordinance, / Ascertaining what Captures on / Water shall be lawful. / In pursuance of the Powers delegated by the Confederation in Cases of / Capture on Water: / . . . . . / Philadelphia: Printed by David C. Claypoole, in Market-Street. / F°. Broadside.

A copy is in the Library of Congress. It measures 42 x 26.5 cm.

**Prize Numbers in Lottery.**

**362.** A List / Of the Fortunate Numbers / In the Fourth Class / of the / United States Lottery. / [Colophon.] Printed by Hall and Sellers. [1781.] / Sm. 4°. pp. 83 (1).

Drawn on April 2, 1781, in pursuance of a resolution of Congress adopted Feb. 6, 1781.

**Rules for Troops.**

**363.** Rules and Articles for the Better Government of the Troops of the United States. Philadelphia. MDCCLXXXI. 8°. pp. 36.

Title from *Sabin*.

**364.** The / Constitutions / of the / Several Independent States / of / America; / the / Declaration of Independence; / the / Articles of Confederation / between the said States; / the / Treaties between His Most Christian Majesty / and the United States of America. / Pub-

lished by order of Congress. / Philadelphia: / Printed by Francis Bailey, in Market Street. / M.DCC.LXXXI. /

Sm. 8°. pp. (2) 3–226.

Printed in pursuance of a resolve of Dec. 29, 1780.
A copy is in the Library of Congress.

**365.** The / Constitutions / of the several / Independent States / of / America; / the / Declaration of Independence; / the / Articles of Confederation / between the said states; the / Treaties between His Most Christian Majesty / and the United States of America. / Published by order of Congress. / Philadelphia Printed / London Reprinted, / with an / Advertisement / By the Editor, / For J. Stockdale, in Piccadilly; and sold by J. Walker, / No. 44, in Pater-noster-Row. / MDCCLXXXIII. 8°. pp. viii, 168.

A copy is in the Library of Congress.

**366.** The / Constitutions / of the several / Independent States / of / America; / the / Declaration of Independence; / the / Articles of Confederation / between the said States; / the / Treaties between His Most Christian Majesty / and the United States of America. / With an / Appendix, / containing / An Authentic Copy of the Treaty concluded between their / High Mightinesses the States-General and the United / States of America, and the Provisional Treaty. / Published by order of Congress. / Philadelphia Printed: / London, Reprinted, / with an / Advertisement by J. L. De Lolme, / For J. Walker, No. 44, in Pater-noster-Row, and / J. Debrett, in Piccadilly / MDCCLXXXIII. /

8°. pp. viii, 189, (2), portrait of Franklin and map of North America.

A copy is in the Library of Congress.

**367.** The / constitutions / of the several / independent states / of / America; / the / Declaration of Independence; / and the / Articles of Confederation / between the said states. / To which are now added, the / Declaration of rights; / the / Non-importation agreement; / and the / Petition of Congress to the King; / delivered by Mr. Penn. / With an / appendix, / containing the / Treaties between His Most Chriistan [sic] Ma-/jesty and the United States of America; the / Provisional Treaty with America; / and (never before published) / an authentic copy of the treaty con-/cluded between their High Mightines-/ses the States-General, and the United / States of

America. / The whole arranged, with a / Preface and Dedication, / By the Rev. William Jackson. / London: / Printed for J. Stockdale, in Piccadilly. 1783. 8°. (4) xxix, (2), 472, (2).

A second edition of the same, dated 1783, has two additional pages of advertisements at the end and, as a frontispiece, a portrait of Washington, engraved by W. Sharp. A copy of each edition is in the Library of Congress.

**368.** A / Collection / of the / Constitutions / of / the Thirteen / United States / of / North America / . . . . . Published by Order of Congress. / Philadelphia, Printed. / Glasgow: Re-printed / By John Bryce, Saltmarket. / M,DCC,LXXXIII. / 12°. pp. (2), 257.

A copy is in the Library of Congress.

**369.** The / Constitutions / of the several / Independent States / of / America; the Declaration of Independence; / the / Articles of Confederation / between the said States; / and the / Treaties between His Most Christian Majesty / and The United States of America. / Published by order of Congress. / London printed, / from the original Philadelphia edition, / with an Advertisement by the London Editor; / And Dublin Reprinted, / For Messrs. Gilbert, Price, Walker, White, / Beatty, Byrne and Cash. / M,DCC,LXXXIII. / 8°. pp. (8) 264.

A copy is in the Library of Congress, *Duane Pamphlets*, Volume 49, No. 12.

**370.** Constitutions / des / Trieze États-Unis / de l'Amérique. / Philadelphie; / et se trouve à Paris, /

Chez. { Ph.-D. Pierres, Imprimeur Ordinaire du Roi, / rue Saint-Jacques. / / Pissot, père & fils, Libraires, quai des / Augustins. /

/ 1783. 8°. pp. (4), 540.

There are copies in large paper in 4°.

A copy of the large paper edition is in the Library of Congress.

In Sabin's *Dictionary* another edition is given, but I think it is the same as this, as the contents are identical. It is said to have been translated by the Duc de Rochefoucauld.

Some copies seen have a supplementary 4 pages, being "Acte de la République de Virginia, / qui établit la liberté de Religion."

**371.** The / Constitutions / of the / several independent states / of / America; / the / Declaration of Independence; / the / Articles of Confederation / between the said states; / the / Treaties between His Most Christian / Majesty and the United States of America. / —And the Treaties between their High / Mightinesses the States General of the /

United Netherlands and the United States / of America. / Published originally by Order of Congress. / The Second edition. / Boston: Printed by Norman and Bowen, in / Marshall's-Lane, near the Boston-stone / M.DCC.LXXXV. 16°. pp. 28, 5–180 (1), 1–29.

This includes the Definitive Treaty with England.
A copy is in the Library of Congress.

**372.** The / Constitutions / of the / several Independent States / of / America; / the / Declaration / of / Independence; / the / Articles / of / Confederation / Between the said States; / and the / Definitive Treaty between Great-Britain / and the United States of America. / Published by Order of Congress. / New-York: / Re-Printed by E. Oswald, at the Printing / Office, No. 25, Water-Street. / M,DCC,LXXX,VI. 18°. pp. 266.

A copy is in the Library of Congress.
Many editions succeed this, but only after the adoption of the Federal Constitution, as well as the alteration of several of the state constitutions, so as to essentially alter the contents of the collection. These have therefore been omitted.

**Journals. 1781–2.**

**373.** Journals / of / Congress, / and of the / United States / in Congress Assembled. / Published by Order of Congress. / Volume VII. / Philadelphia: / Printed by David C. Claypoole. / M,DCC,LXXXI. 8°. pp. 522, (4), lxxix.

Though the title is only for the year 1781, this volume includes the whole of the year 1782. The supplementary 4 pages, or "Appendix to Volume seventh," dated May 4, 1781, are "Rules for conducting Business in the United States in Congress assembled." The index is by a misprint termed "General Index to Volume VIII."
A copy is in the Library of Congress.

**374.** Journals / of / Congress / and of the / United States / in Congress assembled. / For the Year 1781. / Published by order of Congress. / Volume VII. / New York: / Printed by John Patterson. / M,DCC,LXXXVII. 8. pp. 522, (17), lxxix. P. L.

A reprint of the preceding volume, of which 500 copies were printed by order of Congress of Sept. 13, 1786. It follows that volume very closely, many pages being composed in exact copy, but it prints the report of Duane, Sharpe and Wolcott April 18, 1781, on the U. S. debts (Appendix pp. [5–17]) which was not printed in the former volume, and the error in the index is corrected.
A copy is in the Library of Congress.

# INDEX


Accounts, chambers of, complaints, 53; payment, 387.
*Active*, packet, 899.
Adams, Andrew, 222, *a delegate from Connecticut*. Credentials, 1102.
Adams, John. Credentials, 4; letters of credence, 17, 18; instructions, 651, 746, 848, 859, 876; commission, 879. *Letters*, 2, 3, 41, 42, 96, 102, 174, 1032, 1053. *Mentioned*, 20, 41, 312, 472, 561, 563, 616, 619, 627, 648, 653, 670, 990, 993, 1138.
Adams, Samuel, *a delegate from Massachusetts*. Credentials, 4, 628. *Committees:* McComb, 16; Massachusetts's letter, 33, 311, 421; Board of War's letter, 39; Blaine's letter, 46; German regiment, 73; Western lands, 100; Binney, 115; Harrison's letter, 142; Jones and Landais, 174; La Luzerne's letter, 225; impost, 262; French memorial, 311; Jay's letters, 437; New York letter, 420. *Votes*, 111, 153, 154, 175, 205, 223, 267, 279, 287, 289, 290, 293, 305, 332, 333, 338, 358, 392. *Mentioned*, 74, 148*n*, 175, 222, 223, 287, 289, 290, 305, 316, 338, 340, 368, 376, 392, 450.
Adams, Thomas, 223.
Admiralty, Board of, 124*n*, 725; salaries, 514, 728; seal of, 765; abolished, 943.
Admiralty courts, 764, 869.
Aertsen, Guilliam, 71, 760.
Aitken, Robert, 91, 92, 549.
Alexander, Samuel, 140.
Alexander, ——— captain, 711.
Allen, Ira, 860, 875, 882, 886.
Allen, John, colonel, 148.
Allen, Joseph, 1031.
*Alliance*, frigate, 318, 590, 695, 700, 769, 829, 907.
Allison, Francis, 199, 382, 398, 462, 512.
*America*, gun ship, 692, 698, 942, 1016.
Anderson, James, 900.
Antill, Edward, colonel, 448.
Appeals, court of, 200, 599, 761, 861, 869.
Appleton, Nathaniel, 108, 121, 337, 434, 484, 604, 642, 660, 681, 716.
Arbuthnot, Marriot, admiral, 492, 621, 649.
Archer, ———, 853, 1032.
Arendt, Henry Leonard Philip, Baron d', 29, 30*n*, 41, 95, 117*n*, 143, 144, 180, 201, 277, 286, 449, 497, 589, 700, 729, 740, 742, 948, 995*n*, 1020.
*Argo*, sloop, 912, 915.
*Ariel*, frigate, 248, 252, 318, 319, 339, 340, 342*n*, 486, 769, 928, 942.
Armand de la Rouerie, Chevalier, 9, 22, 30, 75, 76, 77, 78, 86, 97, 121, 182, 198, 277, 348, 454, 468, 510, 532, 634, 678, 679, 682, 684, 720, 756, 873, 899, 906, 972, 976, 984, 994, 998, 1023, 1027, 1053.
Armistead, Henry, 323.
Armitage, Benjamin, 133, 532, 581.
Armstrong, James Francis, chaplain, 997.
Army, Continental, staff, 171, 237, 531; uniform, 206; promotions, 242, 539, 891, 1119; Western department, 279; German troops, 301; rank of general officers, 346, 1127, 1179; pay, 541, 549, 594, 1038, 1118; needs of, 583; copper for, 732; duck for, 732; southern department, 923; Pennsylvania line, 974; quotas for 1782, 1163; drummers and fifers, 1182; separated officers, 1186; rules for troops, 1200.
Arne, ———, captain, 604.
Arnold, Benedict, major general, 40, 909.
Arnold, Jonathan, 253.
Artificers, 329, 537.

Ashe, John, 94.
Ashby, George, 437.
Atkinson, George, *a delegate from New Hampshire.* Credentials, 498; declines, 1100.
Atlee, Samuel John, *a delegate from Pennsylvania.* Credentials, 1103, 1131; attends, 1099. *Committees:* Pennsylvania line, 25; Witherspoon, 186; iron masters, 190; Army pay, 203, 892; prisoners at Charleston, 458; Moultrie's letter, 468; Diriks and Painter, 487; Gates, 515, 521; week, 520, 884, 1052, 1193, 1195; Bland's motions, 574; Yznardy, 602, 686; Campbell, 643, 679; Pettit, 649, 677; Navy, 708; Moultrie, 881; Jay, 884; Elizabeth Bergen, 908; Van Schaick and Du Buysson, 922; Board of War letter, 925; Du Buysson, 931; additional troops, 947; Pennsylvania letter, 969; Greene's letter, 970, 1059, 1083; retaliation, 972; Armand, 984; Moultrie, 1026; Hayne, 1055; Washington's letter, 1151*n;* quotas of men, 1163. *Votes,* 111, 112, 153, 154, 175, 205, 224, 392, 503, 504, 516, 524, 529, 530, 592, 593, 607, 609, 612, 613, 614, 615, 618, 619, 626, 627, 648, 650, 658, 663, 888, 924, 956, 983, 985, 1037, 1043, 1058, 1060, 1074, 1090, 1114, 1119, 1120, 1121, 1147, 1148. *Mentioned,* 82, 86, 158, 205*n,* 224, 236, 523, 523*n,* 532*n,* 534*n,* 582, 591, 615, 686*n,* 888*n,* 896*n,* 910*n,* 911*n,* 1024*n,* 1130.
Atlee, William Augustus, 701, 702.
Attorney general, proposed, 156.
Audibert, Philip, 133, 134, 157.
Auditors, salaries, 951; election of, 1068, 1070.
Austria, mediation, 585.
Avery, John, 5, 629, 1101.
Bache, Richard, postmaster general, 22, 131, 571, 686, 716.
Bailey, Francis, 475, 535, 542, 1201.
Baird, Absalom, 1086.
Bakers, superintendent of, 159.
Baldwin, Jeduthan, colonel, 330, 452, 462, 486.
Balfour, Nisbet, lieutenant colonel, 130.
Banister, John, 223.
Bank, plan, 519, 545, 545*n,* 546, 1200; of North America, 546, 1187.
Bankson, Benjamin, 323, 334.
Barber, Francis, lieutenant colonel, 460.
Barber, Nathaniel, jr., 232, 504, 911.
Barber, William, 1110.
Barberis, John, 1170.
Barclay, Thomas, 48, 698, 716, 735, 736, 1036.
Barge, Jacob, 786.
Barnet, William, 456.
Barr, Thomas, 486, 487, 494.
Barras, ———, 674, 710, 745.
Barrett, Nathaniel, 604.
Barrett, Samuel, 945.
Barry, John, captain, 695, 700, 711, 1050, 1143.
Bartlett, John, 160, 273, 275.
Bartlett, Josiah, 222.
Bates, Thomas, 57, 64.
Bayard, John, 463, 786.
Bayard, Ricard & Co., 1085.
Bayley, Jacob, 656.
Baynton, Peter, 944.
Beall, Samuel, 48.
Beaulieu, Joseph Louis de, 187, 198, 369*n,* 1053.
Beaumarchais, Caron de, 933.
Beckley, John, 1104.
Bedford, Mass., burning of, 1017.
Bedken, Henry, 290, 306, 347, 348, 468, 734.
Bee, Thomas, *a delegate from South Carolina.* Credentials, 1104; attends, 1100; *Committees:* Board of War's letter, 39; Greene's letter, 129; Witherspoon, 186; Army pay, 203; La Luzerne's letter, 225; courts, 234; Pettit's letter, 262; quotas, 268, 1088; Wright, 328; privateers, 348, 360; bills of credit, 351; Court of Appeals, 375, 599; Pennsylvania line, 396; imposts, 435; South Carolina letter, 493, 970; Johnson and Ross, 500; neutrality, 579; Yznardy, 602, 686; Ross, 680; post office, 686; week, 693, 930, 1194, 1195; intercepted letters, 751; Bland's motion, 761; prisoners'

relief, 773; money for Army, 853; Du Coudray, 905, 1014; finances, 908, 1147*n*, 1149; Treasury office, 912; Van Schaick and Du Buysson, 922, 931; Savage, 922; Rhode Island letter, 944; Louis, 954; John Clark, 1106*n*; Edison, 1160. *Votes*, 2, 106, 111, 112, 153, 154, 176, 205, 224, 267, 288, 289, 293, 306, 332, 334, 392, 516, 529, 530, 547, 592, 593, 607, 609, 610, 612, 613, 614, 615, 618, 619, 626, 627, 650, 663, 682, 694, 714, 726, 730, 731, 747, 752, 776, 778, 827, 854, 888, 956, 983, 1037, 1043, 1054, 1061, 1114, 1119, 1120, 1121, 1130, 1148, 1153, 1161, 1165, 1181. *Mentioned*, 2, 57*n*, 114*n*, 153, 158, 175, 185, 189, 199, 205, 207, 224, 252, 292, 293, 333, 345, 345*n*, 396, 401, 496*n*, 542, 659, 675, 678, 774, 775*n*, 818, 951*n*, 1026*n*, 1045, 1055, 1059, 1112, 1118, 1121, 1123*n*, 1160*n*.

Belcour, La, captain, 971.

Bellows, Benjamin, *a delegate from New Hampshire*. Credentials, 498, 1100.

Bensall, G., 334.

Benson, Egbert, 75, 354, *a delegate from New York*. Credentials, 1132.

Benson, Robert, 1132.

Bentalon, Paul, 130, 148, 149, 181, 273, 277, 278.

Bergen, Elizabeth, 850, 718, 908.

Bermuda, exports from, 959, 960*n*.

*Betsey*, 1010.

Bevins, Robert, 140.

Bible, printing of, 91.

Bicking, Frederick, 323.

Biddle, John, 94, 132, 134.

Bills of credit, funding of, 136*n*; emissions, 164; withdrawal of, 225, 592, 593*n*; redemption of, 255, 378, 473, 495, 503, 525; interest on, 263, 268, 350; legal tender, 266, 331, 501; exchange, 351, 391; one currency recommended, 364; condition of, 399; ordinance for, 438; for New York, 450; amount of, 406; cancellation of, 430, 454, 577; against further emissions, 501; signing of, 571; stamping, 591; burning of, 690.

Bingham, William, 95, 623, 645, 781, 782, 786, 915, 1007, 1059, 1065, 1123*n*, 1183, 1188.

Binney, Barnabas, 115, 187, 259, 900, 1092.

Bitting, Adam, captain, 474.

Blaine, Ephraim, 45, 46, 57, 73, 92, 250, 264, 277, 280, 321, 336, 337, 360, 367*n*, 488, 515, 572, 677, 812, 839.

Bland, Theodorick, Colonel, 182, *a delegate from Virginia*. *Letters*, 306. Credentials, 1103. *Committees:* Washington letter, 1, 499*n*, 502, 832; Pennsylvania line, 25, 396; Virginia, 95; Pettit, 121, 266; Franklin, 187, 475; Burnet, 203; Maryland, 241; Skinner, 257; quartermaster's stores, 262; Convention troops, 274, 529; bills of credit, 351, 578; commissary, 390; French loan, 399; Schuyler, 421; Hay, 464; Bland's motion, 469, 574; Articles of Confederation, 471; Diriks and Painter, 487; Army pay, 493, 506, 853; Board of War, 522; Army promotions, 539, 892; Caldwell, 620; Campbell, 643, 679; Varnum's motion, 668; Rhode Island letter, 715, 729; week, 715, 1194; marine department, 726, 728; D'Arendt, 740; prisoners, 749, 773; captures, 764; admiralty report, 769; Storey, 785; finances, 817; New Hampshire, 818; forage, 841; Spotswood, 892; *Argo*, 912; Navy, 919; Lomagne, 1016, 1022. *Votes*, 2, 3, 106, 111, 112, 153, 154, 205, 224, 267, 279, 287, 288, 289, 291, 293, 305, 338, 358, 392, 503, 504, 516, 524, 529, 530, 547, 593, 607, 609, 610, 612, 613, 614, 615, 618, 619, 626, 627, 648, 650, 658, 663, 694, 714, 726, 730, 731, 741, 742, 747, 752, 776, 778, 822, 827, 854, 888, 924, 983, 985, 1037, 1043. *Mentioned*, 14*n*, 21*n*, 72, 73, 74, 96, 104, 118, 134, 141*n*, 206, 207, 207*n*, 224, 226*n*, 235, 263*n*, 274, 274*n*, 294*n*, 295*n*, 302, 304, 304*n*, 305, 305*n*, 306, 307, 366*n*, 370*n*, 376, 392, 398, 401, 459*n*, 469, 476*n*, 484*n*, 490, 490*n*, 505, 507, 517, 527, 529*n*, 530, 545*n*, 570, 574, 577, 579, 582, 583*n*, 589*n*, 592, 612, 613, 626, 627,

648, 705, 710, 710*n*, 730, 748, 749*n*, 760, 766*n*, 774, 782, 788, 791, 821, 912*n*, 915, 920*n*, 978, 982*n*, 1040.
Blair, John, *a delegate from Virginia.* Credentials, 1103.
Bloomfield, Moses, 981.
Boisé, Aeneas, 971.
Bond, George, 56, 60*n*, 77*n*, 112, 126, 135*n*, 206*n*, 291*n*, 314, 329*n*, 353*n*, 365*n*, 389*n*, 394, 419*n*, 476*n*, 510*n*, 549*n*, 588*n*, 717, 737*n*, 739*n*, 743*n*, 932*n*, 1037*n*, 1091*n*, 1137*n*, 1188*n*.
Bond, Thomas, jr., 118, 191, 375, 388, 467, 529, 544, 785, 1072.
*Bonetta*, sloop of war, 1082.
Bonfield, John, 464, 718, 833, 977.
*Bon homme Richard*, 769.
Boon, Hawkins, 888.
Booth, James, 194, 1103.
Borden, Joseph, 284, 337, 474, 522.
Boreman, John, 20, 485, 487.
Boudinot, Elias, *a delegate from New Jersey.* Credentials, 777, 1102; attends, 777, 1099. Money, 1021. *Committees:* Week, 782, 969, 1194, 1195; prisoners, 815, 829; Washington's letters, 832, 880; Vermont, 842, 1032; Virginia motion, 848; Elizabeth Bergen, 851; Moultrie, 881, 1026; prisoners, 884, 889; Morton, 952*n*; Pennsylvania letter, 969; South Carolina letter, 970; French memorial, 976, 986, 1052; retaliation, 978; hospital department, 984; Barry, 1050; French letter, 1063; War Department, 1070; Yorktown surrender, 1071; thanks to Washington, 1079; quotas, 1087, 1088; Southern States, 1108; Pennsylvania and Connecticut, 1115; Navy court-martial, 1143. *Votes*, 778, 822, 827, 854, 888, 983, 985, 1037, 1043, 1054, 1058, 1060, 1073, 1077, 1090. *Mentioned*, 787*n*, 811*n*, 815, 830*n*, 831, 831*n*, 837*n*, 846*n*, 876*n*, 886*n*, 890*n*, 971*n*, 974, 976, 1006, 1025, 1065, 1107, 1110.
Boundaries of United States, 606, 608, 611, 613*n*, 616, 617.
*Bourbon*, ship, 353.
Bowby, Daniel, 489.
Bowen, Oliver, 53, 142, 969.
Bradford, John, 75, 254, 453, 732, 908, 929, 930, 936.
Brahm, Ferd I. S. de, 690, 751, 759, 818, 835, 843.
Branham, Edward, 687.
Brayman, Christian, cornet, 22.
Bremar, F., 1123*n*, 1124.
Brevard, Ephraim, *a delegate from North Carolina.* Credentials, 1034, 1104.
*Brilliant*, brigantine, 260, 531.
Bristol, R. I., burning of, 1017.
Brodhead (Broadhead), Daniel, colonel, 33, 158, 186, 226, 254, 279, 530, 579, 720, 726, 898, 929, 984, 996, 1113*n*.
Brossard, Celerin, 971, 1123*n*.
Broughton, Nicholson, 557, 759, 840.
Brown, Andrew, 519, 520, 1044, 1048.
Brown, Charles, lieutenant, 661.
Brown, Jesse, 733, 743.
Brown, John, 274, 506, 719, 815, 883, 885, 910, 912, 915, 928.
Brown, Nicholas, 274, 719, 915.
Brown, William, captain, 7, 24.
Brown, ———, 6.
Brown, ———, Dr., 48.
Brown, Mr. (S. C.), 14.
Browne, Joseph, 155.
Brownson, Nathan, 316, 376, 388, 1015, 1055, 1105, 1106.
Brussell, Joseph, 602.
Bryan, Bartholomew, 233.
Bryan, Jeremy, 233.
Bryan, John, 815.
Bryan, Jonathan, 199, 238, 239, 1021.
Bryan, Samuel, 788, 911, 951.
Bryce, John, 1202.
Buckley, ———, 828.
Bull, Epaphras, major, 519, 520.
Burgess, Joseph, 631.
Burgin, Elizabeth. (See *Bergen.*)
Burgoyne, John, 345, 436, 647, 889, 893.
Burke, Thomas, *a delegate from North Carolina.* Money, 302, 376. *Committees:* executive departments, 31; Lee's letter, 32; Massachusetts letter, 33; Pennsylvania mutiny, 45; French letter, 57; Virginia letter, 95; New York

letter, 95; Gibson, 95; western lands, 100; Greene's letter, 129; Harrison's letter, 142, 185; Jones and Landais, 174; Southern department, 179; bills of exchange, 197; rules, 225; Treasury report, 254; quotas, 268; Morris's letter, 291, 432; lottery, 304; French memorial, 311. *Votes*, 2, 3, 106, 111, 112, 153, 154, 176, 205, 224, 267, 279, 287, 288, 289, 291, 293, 332, 334, 338, 358. *Mentioned:* 2, 26*n*, 67*n*, 105, 110, 135*n*, 146, 148*n*, 153, 205, 224, 237*n*, 247*n*, 286, 287, 290, 334, 340, 376, 402, 576*n*. Governor, 1034, 1035, 1104, 1181.

Burnet, Robert (?), major, 953, 954.

Burnet, William, *a delegate from New Jersey*. Credentials, 777; letters, 203, 226, 230, 321, 493. *Committees:* Medical, 155, 1193; Birney, 187; quotas, 268. *Votes:* 153, 154, 175, 267. *Mentioned*, 233, 277*n*.

Burrall, Jonathan, 323.

Bush, Moses, 353.

Bush, Nathan, 899, 1086.

Bush, S., colonel, 738, 749.

Butler, Richard, colonel, 41, 80, 303.

Byers, James, 9, 274, 475, 902.

Cadiz, consul at, 305, 484.

Caille, Stephen Audibert, 553.

Caldwell, Andrew, 1188.

Caldwell, James, 620.

Caldwell, Samuel, 901, 933, 934.

Cambray, 1008, 1061, 1086.

Campbell, Arthur, colonel, 1055, 1088, 1098.

Campbell, Donald, colonel, 52, 62, 63, 228, 643, 679, 680, 706, 901, 1044, 1060, 1159, 1161.

Campbell, Duncan, 709, 721, 722, 758, 787, 816.

Campbell, George, 981.

Captures, at sea, regulations, 85, 861, 916, 921, 958, 961, 970, 985, 986, 1108, 1113; ordinance, 1141, 1147, 1152, 1153, 1200; by land, 690.

Cardoqui, James, 163.

Carleton, Sir Guy, 887.

Carleton, Joseph, 20, 149, 158, 238, 312, 345, 434, 475.

Carlisle, post at, 14, 74, 330, 538, 590.

Carmichael, William, 140, 146, 151, 311, 437, 452, 464, 505, 519, 554, 597, 628, 693, 856, 913.

Carne, Anthony, 922.

Carne, John, 981.

Carnes, Patrick, 756, 942.

*Carolina*, packet, 474, 600.

Caron, ———, 486.

Carrington, Edward, 119.

Carroll, Daniel, *a delegate from Maryland*. Credentials, 1103; attends, 138, 1100, 1151, 1152. *Committees:* Forrest, 160; prisoners, 196, 534; Luzerne, 225; Convention prisoners, 236; Stoddert, 239; Maryland, 241, 515; Forman and Gibson, 306; quartermaster's stores, 337; French loan, 399; Lafayette, 451, 531; Pennsylvania, 469; Bland's motion, 469; Articles of Confederation, 471; week, 483, 1193, 1195; South Carolina, 493; Army pay, 493, 506; Washington, 499*n*, 502, 1151*n;* Howell, 523; finances, 533, 732, 739, 781, 817, 1123; Army accounts, 549; French memorial, 562, 1009; letter to States, 585; independence celebration, 716; New Hampshire, 732, 818, 836; Melven, 753; French letters, 778, 876; forage, 841, 943; Vermont, 842; Kean, 922, 935; Rendon, 1010; Hopkins, 1042; Seagrove, 1045; South Carolina and Georgia officers, 1051, 1117; Yorktown surrender, 1071; thanks to Washington, 1079; Pollock, 1107; Southern States, 1108; Pennsylvania and Connecticut, 1115; fisheries, 1123*n;* courts of inquiry, 1125; Lafayette, 1131*n*, 1134; Duportail, 1141*n;* Edison, 1160; Yorktown prisoners, 1162*n;* quotas of men, 1163; Dartmouth College, 1169; New Hampshire letter, 1179*n;* Stark, 1185*n*. *Votes*, 153, 154, 175, 205, 224, 267, 279, 287, 289, 291, 293, 305, 332, 334, 338, 358, 392, 503, 504, 516, 524, 529, 530, 547, 612, 613, 614, 615, 618, 619, 626, 627, 648, 650, 658, 663, 682, 694, 714, 726, 730, 731, 741, 742, 747,

752, 776, 778, 822, 827, 854, 888, 924, 956, 983, 985, 1037, 1043, 1054, 1058, 1061, 1074, 1078, 1090, 1114, 1119, 1120, 1121, 1130, 1147, 1148, 1153, 1161, 1165, 1180. *Mentioned*, 189*n*, 213, 222, 224, 493, 495*n*, 528*n*, 544*n*, 615, 627*n*, 676*n*, 699*n*, 771*n*, 791, 825*n*, 847*n*, 923, 1089, 1090, 1113, 1117*n*, 1129, 1147, 1164*n*, 1165, 1180*n*.
Carson, Joseph, 474, 600.
Carson, Richard, 452.
Cary, Archibald, 750, 1104.
Carzneau, ———, captain, 604.
Castaing, Peter de, 1128.
Castres, Marquis de, 931.
Cattell, Benjamin, 914, 921.
Catulippe, ———, 486.
Cedars, capitulation of, 251, 889.
Census recommended, 1129.
Ceronio, Stephen, 515.
Certificates of accounts, signing of, 570.
Champlain, Lake, 887, 892.
Champlin, ———, colonel, 446.
Chaplains, pay, 488; arrangement, 629, 643; for light dragoons, 901.
Charleston, capitulation of, 621; prisoners from, 748.
Charlestown, Mass., burning of, 1017.
Chase, Samuel, *a delegate from Maryland*. Credentials, 1151, 1152.
Chase, Thomas, 160.
Chaumont, Le Ray de, 318.
Chesnut, John, 832.
Chester, ———, 1102.
Chinn, Edward, 6.
Chittenden, Thomas, 875, 882; governor, letter, 1166.
Christie, ———, 580.
Church, Thomas, 706.
Claiborne, R., 603, 604.
Clajon, William, 536.
Clap, Preserved, 115, 183.
Clark, Abraham, *a delegate from New Jersey*. Credentials, 777, 1102; attends, 995. *Committees:* Skinner, 24, 78; Lee, 32; Blaine, 45, 488; Atlee, 86; New York, 95; Burnet, 203; Board of War, 332; Quartermaster's stores, 337; officers' pay, 396; Scott, 430; Virginia, 449; Articles of Confederation, 471; finances, 523, 1109*n*. week, 996, 1149, 1195, 1196; Georgia letters, 1021; Hopkins, 1042; Walton, 1044; John Clark, 1073; supplies, 1112; New Hampshire letter, 1179*n*; reports of states, 1184; Stark, 1185*n*. *Votes*, 105, 111, 205, 224, 267, 290, 293, 305, 332, 334, 358, 392, 503, 504, 1037, 1043, 1054, 1058, 1073, 1077, 1090, 1119, 1130, 1147, 1148, 1161, 1165, 1180. *Mentioned*, 32, 65, 70, 70*n*; 97*n*, 104, 115*n*, 224, 230*n*, 267, 341*n*, 376*n*, 383, 383*n*, 391, 396*n*, 433, 434*n*, 458, 474, 475*n*, 506*n*, 576*n*, 1017*n*, 1149*n*, 1169, 1182.
Clark, George Rogers, 489.
Clark, Thomas, colonel, 396.
Clarke, Daniel, 1016, 1046, 1078.
Clarke, John, 1059, 1060, 1073, 1092, 1106*n*, 1112.
Clarke, Joseph, 434, 719, 915.
Clarkson, John Levinus, 34, 78, 238, 314, 381, 506, 574, 695, 788.
Clay, Joseph, 7, 8, 496.
Claypoole, David C., 291, 881, 1200, 1203.
Clearances, signing, 514.
Clerks, pay, 100, 362, 733, 951.
Clingan, William, 222.
Clinton, George, governor, letters, 36, 37, 145, 225, 236, 241, 249, 311, 353, 420, 472, 722, 747, 816, 931, 1046, 1159.
Clinton, Sir Henry, 621, 821.
Clothier general, bond for, 401; powers of, 667.
Clothing department, regulations, 11, 317, 342, 662; allowances and pay, 1023.
Clothing for soldiers, 664, 778.
Clymer, George, bank director, 122; *a delegate from Pennsylvania*, 1149; Credentials, 1103, 1131. attends, 229, *Committees:* McComb, 16; Pettit's letter, 36; shot and shells, 55; western lands, 99; quotas, 268, 1088; finances, 381, 487, 688, 1028; Morris's letter, 429; Parsons's letter, 430; imports, 435; Lafayette's letter, 451; Sullivan's motion, 475; Lafayette, 531; bank, 545; J. P. Jones,

572, 942; neutrality, 579; bills of credit, 594; Caldwell, 620; Bingham, 645, 1183; gun ship, 692; agent at Havana, 698; Massachusetts letter, 702; independence celebration, 716; Holker, 717; Hazen, 721, 728; salaries, 733; consul's commission, 735; delegates' pay, 813; prisoners, 749, 773, 815, 829, 884; Parsons, 750; Sullivan, 818; merchants' memorial, 855; Brown, 883; interest, 903; Bradford, 908; Treasury office, 912; Kean, 922, 935; week, 930, 1195, 1196; William Lee, 931, 955; Bradford, 936; Silas Deane, 955; French memorial, 1009; Rendon, 1010; conference with Pennsylvania, 1018; Hopkins, 1042; consuls, 1053; Indians, 1055; secret information, 1047; Indian treaty, 1088; Nicholas, 1131; Campbell, 1159; Giles, 1171; reports for States, 1184; Washington's letter, 1185*n*. *Votes*, 2, 3, 105, 111, 112, 153, 154, 175, 205, 267, 279, 287, 289, 290, 293, 305, 332, 334, 338, 392, 503, 504, 516, 524, 529, 530, 547, 592, 593, 607, 609, 610, 612, 613, 614, 615, 618, 619, 626, 627, 648, 650, 658, 663, 681, 694, 714, 726, 741, 742, 747, 752, 776, 778, 827, 854, 888, 924, 956, 983, 1037, 1043, 1054, 1058, 1077, 1153, 1161, 1165, 1180. *Mentioned*, 180*n*, 325*n*, 331, 431*n*, 530, 545*n*, 615, 692*n*, 698, 698*n*, 729*n*, 783*n*, 955, 955*n*, 956, 1063, 1078, 1172*n*.

Cochran, John, 48, 65, 160, 230, 534, 979, 981*n*.

Coleman, Robert, 254, 325.

Collins, John, 222, 882, 1013.

Colston, Rawleigh, 1127*n*.

Comegys, Cornelius, 34, 343.

Commerce, treaty of with Great Britain, 746.

Commercial affairs, 909.

Commercial committee, papers, 63; accounts, 157.

Commercial regulations. (See *Impost.*)

Commissary general of military stores, 49, 100.

Commissary of issues, 791.

Commissary of purchases, 390, 791.

Commissions by ministers, 755.

Committee of the States, 229.

Committee reports, 908.

Compti, John, 896.

Comptroller, salary, 951; election of, 1006, 1050.

Conand, James F., 511.

Condict, Silas, *a delegate from New Jersey*. Credentials, 1152; attends, 1149. *Committees:* Week, 1196. *Votes*, 1161, 1165, 1180.

*Confederacy*, frigate, 899, 922, 942, 1013.

Confederation, Articles of, ratification, 186, 190, 191, 192, 208; text, 214; enforcement, 236; publication, 475, 543; power to execute, 469, 894; exposition of, 894; enlargement of powers, 895.

Congress, rules of, 225, 263, 476; printing of journal, 291; adjournment of, 1088; representation in, 1113.

Connecticut, funds from, 38, 61, 1089; agrees to impost, 262, 296; credentials, 596, 1102; land cessions, 704, 784, 1077, 1098, 1113; quota of troops, 729; commissions from, 835; and Pennsylvania, 1115, 1116.

Connecticut Farms, N. J., burning of, 1017.

Connecticut line, 581.

Connor, John, 233.

Constitutions of the States, 1200, 1201, 1203.

Consul, vice, in France, 687; in the United States, 960.

Consuls, convention with France, 792, 804*n*, 845, 896, 1053; powers of, 914, 916; exequatur, 925.

Convention troops, removal, 178, 193, 195, 259, 263, 307, 526, 529, 530, 589, 630, 900; treatment, 274; desertions, 299; exchange of, 889; report, 1199.

Conyngham, Gustavus, captain, 511, 622.

Cornell, Ezekiel, *a delegate from Rhode Island*. Credentials, 768, 1101; attends, 1123. Money, 173, 434, 946; letters, 140, 173, 420; War Board, 10, 20, 22, 30, 37, 49, 62, 74, 75, 86, 104, 106, 108*n*, 109, 114, 119, 128, 137, 140, 143, 145, 149, 158, 159, 181, 183, 198, 232, 327, 384,

434, 739, 743, 744, 754, 759, 768, 813, 826, 844, 860, 873, 994, 998, 1021, 1035, 1039, 1048, 1052, 1079, 1111, 1124, 1127. *Committees*: Greene's letter, 16; Bowen, 53; clothier's department, 662, 772; French letter, 769; finances, 1123; courts of inquiry, 1125; Lafayette, 1131, 1134; Duportail, 1141*n*; Campbell, 1159; New York finances, 1160*n*; Yorktown prisoners, 1162*n*; quotas of men, 1163; gunpowder for New York, 1181; Stark, 1185*n*; Washington's letter, 1185*n*; week, 1195. *Votes*, 1130, 1147, 1148, 1153, 1161, 1180. *Mentioned*, 815, 1011, 1122, 1164*n*, 1168*n*, 1169, 1179, 1179*n*, 1182*n*, 1187*n*.

Cornwallis, Charles, Lord, 335, 621, 1071, 1073.

Coulteaux, Messrs. le, 1004, 1005.

Court of appeals, 374, 496, 497.

Courts for piracies, 274.

Courts of inquiry, 1125.

Courts martial, 1126.

Cowpens, prisoners, 300.

Craig, James, Dr., 48, 199, 230, 233, 489, 979.

Croghan, George, 534.

Crowly, Charles, 900, 909.

Crowninshield, George, 882, 886, 1013.

Cudreaux, ———, 942.

Culvill, Nicholas, 602.

Cumberland, Richard, 561, 565, 566, 671, 987.

Cunningham (see *Conyngham*).

Currency, continental, destruction, 720.

Da Costa, Isaac, 273, 329.

Dale, Richard, 727, 755, 769, 770.

Dana, Francis, 222, 561, 562, 688, 698, 699, 991, 1033.

Danielson, Timothy, *a delegate from Massachusetts*. Credentials, 4.

Darrell, Benjamin, 734, 756.

Dart, John Sandford, 25, 48, 49, 91.

Davenport, Abraham, 1102.

Davidson, William Lee, brigadier general, 978.

Davies, William, colonel, 254, 398.

Davis, John, captain, 1165*n*, 1169*n*.

Davis, Thomas, 590.

Dayton, Elias, colonel, 812.

Dayton, Jonathan, 244.

Dealy, John, 1072.

Deane, J., 881.

Deane, Silas, 930, 931, 955.

Debrett, J., 1201.

Debt of United States, estimate, 101, 125, 159, 160, 354; liquidation, 266, 524; how paid, 394; statement of, 402; letter to States, 402.

Debts, recovery of, 952.

Decoutures, ———, lieutenant, 972, 1117*n*.

De Formoy, ———, 905.

De Haas, John Philip, colonel, 712.

De la Tour, ———, 116.

Delaware, funds from, 38; militia, 1037; batallion, thanks, 1084; credentials, 1103.

Delegates, pay of, 733.

Deluerize, ———, 486.

Denison, N., 744.

Depreciation of pay, 702.

Desdevens, Maurice, 420, 1062.

Deshon, J., 482.

Destouches, 348, 356, 490.

Deutrick, ——— (See *Uerktritz*.)

Deveaux, Peter, 97, 360, 388.

De Wit, William, 536.

Dickinson, John, 222.

Diriks, Jacob Gerhard, 94, 128, 486, 487, 514, 604.

Donaldson, William, 890.

Donnel, Nathaniel, 720.

Dorsey, Nathan, 881, 882.

*Douge Druin*, 929.

Dow, Alexander, 517, 532, 533, 539, 572, 1144.

Downe, Samuel, 6.

Doyle, John, captain, 1045.

Doz, Andrew, 6, 94.

*Drake*, 320.

Drayton, William Henry, 223.

Drew, William, 622.

Duane, James, *a delegate from New York*. Credentials, 1132; attends, 876; money, 238, 466. *Committees:* Staff

compensation, 29; executive departments, 31; Massachusetts letter, 33, 311, 421; Pennsylvania meeting, 45; Blaine's letters, 45, 277; French letter 57, 225, 858, 928; western lands, 99, 100; public debt, 125, 402; rules, 225; courts, 234; enforcement articles of confederation, 236; Board of Admiralty's report, 242; fast day, 258; impost, 262, 435, 636; Pettit's letter, 262; convention troops, 274; Hutchins, 339; bills of credit, 351*n*; finance, 368; Schuyler's letter, 421; Jay's letters, 437; Maryland letter, 446; hospital staff, 464; Pennsylvania letters, 469, 1012; articles of confederation, 471; Franklin's letter, 475; week, 835, 1194; Virginia motion, 848; Indians, 881; merchants' petition, 882; old money, 884; Spotswood, 892; interest, 903; DuCoudray, 905, 1014; Howe, 907, 937; Bradford, 908; Treasury office, 912; Navy, 913, 919; Randolph's motion, 913; St. Clair, 916; Hayne, 918; French supplies, 932; J. Laurens, 934; Bradford, 936; Geddes, 944; additional troops, 947; Louis, 954; retaliation, 973; French memorial, 986, 1009; Rendon, 1010; Caughnawaga Indians, 1014; conference with Pennsylvania, 1018; French affairs, 1052, 1063; infractions of law of nations, 1136. *Votes*, 224, 267, 279, 287, 289, 290, 293, 822, 827, 854, 888, 924, 956, 983, 985, 1037, 1043. *Mentioned*, 26, 31*n*, 40, 44*n*, 53*n*, 61*n*, 70, 73*n*, 127*n*, 128*n*, 172, 172*n*, 186*n*, 210, 211, 213, 222, 224, 224*n*, 235, 252, 257, 270, 286*n*, 288, 315*n*, 331*n*, 368*n*, 421, 427*n*, 465*n*, 471, 472*n*, 476, 477*n*, 478*n*, 835*n*, 840*n*, 845*n*, 851*n*, 855*n*, 856*n*, 906, 909*n*, 919*n*, 920*n*, 932*n*, 935*n*, 943, 950*n*, 953, 974, 976, 983, 1014*n*.

Duarti, John Garcia, 75, 109.

Dubuysson, Chevalier, 289, 353, 768, 921, 930, 931, 935.

Duck for Army, 453, 550.

DuCoudray, Philippe Charles Jean Baptiste Tronson-, 899, 904, 917, 1014.

Duer, William, 222, 909.

Duffey, Thomas, 973.

Du Maine & Lion, 260, 531.

Dumas, Charles W. F., 78, 452, 597, 688, 693, 901, 1033, 1039.

Dupee, ———, captain, 98.

Du Ponceau, Peter S., 739, 812.

Du Portail, Louis Le Bégue, Chevalier Derford, 714*n*, 1008, 1121, 1123*n*, 1128, 1141, 1141*n*.

Durkee, John, colonel, 1125.

Dusseron, John, 1166.

Duties on imports. (See *Impost.*)

Dyer, Edward, 360.

Eaker, Joseph, 485, 487, 544, 573, 901.

Edison, Thomas, 332, 343, 1160.

Edmondson, Samuel, 980.

Edwards, Mrs., 972, 1007.

Ege, George, 254.

Elbert, Samuel, 160, 183, 981.

*Elizabeth*, brig, 233.

Ellery, William, 222, 429, 732; *a delegate from Rhode Island.* Credentials, 768, 1101; attends, 1123. *Committees:* Finances, 1147*n*, 1149; Larreguy, 1170; Peters, 1172; week, 1195. *Votes*, 1130, 1147, 1148, 1153, 1161, 1180. *Mentioned*, 1142*n*, 1147, 1148, 1180.

Elliot, Robert, 64, 124, 697, 790, 791, 861, 890.

Elliott, Charles, 1007.

Elliott, Joseph, 751, 758.

Ellsworth, Oliver, *a delegate from Connecticut.* Credentials, 596, 1102. *Committees:* Week, 598, 754, 1194; military stores, 630; Sullivan, 637; captures by land, 690; Massachusetts letter, 702; New York letter, 722; marine department, 726; salaries, 733; Greene, 755, 789; captures, 764; quotas, 773; consuls, 811, 1053; delegates' pay, 813; New York letters, 835; French memorials, 845, 925; Virginia motion, 848; Confederation, 896. *Votes*, 607, 609, 610, 612, 613, 614, 618, 619, 626, 627, 647, 650, 658, 681, 694, 713, 726, 730, 731, 741, 742, 747, 752, 776, 778, 821, 822, 827, 854, 888. *Mentioned*, 263*n*, 730, 744*n*, 776, 819*n*, 836*n*.

Elmer, Jonathan, *a delegate from New Jersey*. Credentials, 777, 1102; attends, 787, 1182. *Committees:* Week, 813, 1028, 1194, 1195, 1196; Heguy, 893. *Votes*, 822, 827, 854, 888, 1037, 1043, 1054, 1058, 1060, 1077. *Mentioned*, 820*n*, 1031*n*, 1033*n*, 1035*n*, 1041*n*.
Ely, John, colonel, 31*n*.
Embargo, 773, 900.
*Endeavor*, schooner, 437.
Enos, ———, captain, 1010.
Estaing, Charles Henri Théodat, Comte d', 779.
Etombe, Mons de l', consul general, 925, 940.
Eutaw Springs, victory at, 1056, 1084.
Evans, Lewis, 922.
Eveleigh, Nicholas, *a delegate from South Carolina*. Credentials, 1105; attends, 437, 1100; money, 483, 521, 659, 826. *Committees:* Week, 520, 754, 1078, 1193, 1194, 1195, 1196; Washington's letter, 1151*n*; quotas of men, 1163. *Votes*, 503, 504, 516, 524, 529, 530, 592, 593, 626, 627, 648, 650, 658, 663, 682, 694, 714, 726, 730, 731, 741, 742, 747, 752, 776, 778, 822, 827, 854, 888, 924, 956, 983, 1037, 1043, 1054, 1058, 1074, 1078, 1114, 1119, 1130, 1148, 1153, 1161, 1165, 1181. *Mentioned*, 772*n*, 852*n*, 1040, 1041*n*, 1169*n*.
Exchange, bills of, 189, 196, 310, 368, 604.
Executive boards, 71, 123.
Executive departments, 57, 125, 126, 169, 382.
Fairfield, Conn., burning of, 1017.
Falconer, Nathaniel, 132, 134.
Fallon, James, 690.
Falmouth, burning of, 1017.
*Fame*, schooner, 429, 517.
Fanning, John, 1036.
Farmer, Rachael, 331*n*, 485.
Farrar, Jesse, 973.
Fast day, 257, 284.
Faucher & Skerrett, 194.
Fay, Jonas, 860, 875, 882, 886.
Fayssoux, Peter, 506, 529.
Febiger, Christian, colonel, 1, 248, 249, 359, 385, 386.
Fegueiredo, José da Fonseca Suares de, 542, 578.
Felex, ———, 1102.
Fell, John, 98, 118.
Fell, Peter R., 343.
Felten, Thomas, 133.
Ferguson, Thomas, 914, 921.
Ferrall, Patrick, 237, 343, 589.
Ferris, Owen, 958.
Few, William, *a delegate from Georgia*. Credentials, 1015, 1106; money, 459, 535, 689. *Committees:* Stoddert's letter, 239; quotas, 268. Articles of Confederation, 471; week, 550, 1194, 1196. *Votes*, 2, 3, 106, 112, 153, 154, 176, 224, 267, 287, 288, 289, 291, 306, 332, 334, 338, 358, 392, 503, 504, 516, 524, 529, 530, 547, 592, 593, 607, 609, 610, 612, 613, 614, 615, 618, 619, 626, 627, 648, 650, 663, 682, 694, 714, 726, 730, 731, 741, 742, 747. *Mentioned*, 16, 92, 201, 224, 273, 590*n*.
Finance, letter to States, 58, 1068; considered, 72, 77, 85, 98, 133, 135, 136*n*, 137, 142, 157, 185, 236, 245, 255, 259, 266, 357, 368, 378; reports on, 92, 103, 402; loan office returns, 135; ordinance for public credit, 432, 438; superintendent of, 126, 180, 326, 337, 432, 455, 548*n*, 598, 708, 721, 724, 734, 783, 951; committee on plans, 502; ways and means, 507; expenses campaign, 524; restoration of credit, 588.
Financier, 126.
Finley, James, 911.
Finnie, William, 331, 449.
Fisher, George, 26, 27, 36, 873.
Fisheries, Massachusetts' instructions, 1123*n*.
Fitch, Hezekiah, 1102.
Fitzsimmons, Thomas, 1188.
Fleury, François Louis Teisseydre, Marquis de, 45, 114, 471, 898, 902.
Flower, Benjamin, 9, 33, 122, 202, 538.
Floyd, William, *a delegate from New York*. Credentials, 1132; attends, 1132. *Committees:* Gibson, 95; Binney, 115; money, 238; quotas, 268; week,

1149. *Votes*, 2, 3, 105, 111, 153, 154, 175, 205, 224, 267, 279, 287, 289, 290, 293, 1147, 1148, 1153, 1161, 1165, 1180. *Mentioned*, 20*n*, 33, 117, 180, 210, 211, 212, 213, 852, 1160, 1181.
Fonda, Jellis, 939.
Fontevieux, de, ———, lieutenant, 185, 198, 199.
Forage, pay for, 897.
Foreign affairs, Department of, 42, 43; secretary, 43, 64, 65, 133, 637.
Forman, David, brigadier general, 365, 365*n*.
Forman, Ezekiel, 48, 53, 79, 124, 144, 179, 180, 184, 188, 194, 242, 253, 264, 278, 306, 341, 354, 382, 458, 508, 509, 636, 637, 784.
Forrest, Thomas, lieutenant colonel, 74, 839.
Forrest, Uriah, colonel, 160, 189.
Foster, Isaac, Dr., 20.
Fowler, A., 571.
France, cooperation with, 310, 558, 1140; supplies from, 371, 932, 999; funds from, 398; loan, 556, 558, 597, 674, 1004; letter to, 638, 639*n*; on mediation, 986; consul in, 1036; treaties with, 1200, 1201, 1202.
Francis, John, 835.
Francis, Tench, 571.
Franking of letters, 624.
Franklin, Benjamin, charges, 14, 317; memorial, 264, 472; instructions, 651, 675, 780, 847; recall proposed, 900. *Letters:* 174, 187, 339, 341, 348, 475, 505, 549, 751, 929, 961, 973, 996. *Mentioned*, 22*n*, 67, 109, 113, 114, 144, 163, 167, 528, 553, 556, 558, 619, 628, 648, 653, 769, 878, 999, 1003, 1004, 1005, 1061, 1138, 1140.
Franks, David S., major, 519, 520.
French fleet, supplies for, 909.
French, John, 233.
Fry, Charles, Baron de, 860, 1130*n*, 1142.
Fry, Joseph, 1149.
Führer, Charles Frederick, 1142*n*, 1159, 1162*n*.
Furloughs, 656.
Gadsden, Christopher, 914, 921.
Galvan, William, major, 955, 1148*n*, 1168.
Galvez, Bernardo de, 1009, 1107.
Gansevoort, Leonard, 142.
Gardner, Henry, 98, 322, 719.
Gardner, Theophilus, 73, 237.
Gardoqui & Sons, 833.
Garvey, Patrick, 15.
Gates, Horatio, major general, 37, 96, 360, 393, 431, 438, 515, 520, 521, 527, 533*n*, 536, 577, 1012, 1079.
Geddes, George, 944, 968.
Geddes, William, 48, 115, 134, 135, 332, 465, 483, 901.
Geiger, Henry, 16.
Geiger, Jacob, 323.
Geographer, 738.
Georgetown, S. C., burning of, 978, 1017.
Georgia, public papers, 63; refugees, 782; delegates, pay, 814; distressed inhabitants, 852; letters from, 1021; credentials, 1105; arms for, 1170; line, 1122.
Gérard de Rayneval, Conrad Alexandre, 904.
Germain, George, Lord, 821.
German regiment, 55, 62, 72, 84, 90.
Germany, Emperor, mediation, 605.
Gerry, Elbridge, *a delegate from Massachusetts*. Credentials, 4, 628. *Mentioned*, 222, 833.
Gervais, John Lewis, 383.
Gibson, John, 53, 94, 124, 144, 253, 306, 341, 370, 382, 452, 901.
Gilbert, Michael, captain, 508, 509, 513.
Giles, Aquilla, 459, 460.
Giles, Edward, major, 158, 247, 1162, 1166, 1171, 1172.
Gilleylen, William, 382.
Gilman, Nicholas, 202, 694.
Gist, Mordecai, brigadier general, 534, 542, 712, 898, 1040.
Gist, Nathaniel, 600, 903.
Glentworth, George, 690, 1182.
*Gloucester*, packet, 692.
Gooch, John, 695.
Goodwin, John, 233, 246.
Goold, William, captain, 458, 466.
Gould, David, Dr., 86, 103, 118.

Gourlade & Moylan, 318.
Gouvion, Jean Baptiste de, 1121.
*Governor Johnston*, brigantine, 489.
Govett, William, 1070, 1073.
Grasse-Tilly, François Joseph Paul, Count de, 939, 993, 1068, 1071, 1080, 1082, 1106, 1145.
Grayson, William, 186, 462; War Board, 52, 451, 459, 460, 490, 539, 590, 643, 702, 739, 743, 744, 754, 759, 768, 813, 815, 826, 843, 844, 860, 873, 945.
Green, Caspar, 1123*n*.
Green, F., 138, 140, 1103, 1152.
Greene, Christopher, 785.
Greene, Ebenezer, 231, 251, 899, 903.
Greene, Nathanael, major general, 346, 385, 393, 533, 544, 786, 789, 823, 855, 900, 927, 954, 979, 1041, 1054, 1065, 1118; money, 449, 499, 831. *Letters:* 133, 139, 180, 194, 232, 245, 246, 262, 335, 357, 396, 398, 473, 519, 548, 620, 658, 755, 767, 784, 789, 828, 852, 861, 884, 929, 969, 972, 1023, 1026, 1055, 1088; testimonial for, 1059, 1083, 1084, 1085, 1088, 1127*n*.
Greene, William, governor, 190, 715, 944.
Greenwood, Joseph, 155.
Gridley, Richard, 155, 197.
Griffin, Cyrus, 87, 200, 485, 486.
Grinnel, ———, captain, 604.
Grinnell, Fort, outrages at, 1018.
Groton, ———, colonel, 712.
Groton, Conn., burning of, 1017.
Groube, Beaumont, 275.
Grubb, Curtis, 254.
*Guadaloupe*, frigate, 1082.
Guest, Isaac, 533.
Hagan, Francis, 237, 534, 981.
Hale, Daniel, 148.
Hall, David, 744.
Hall, George Abbott, 383.
Hall, John, 353.
Hall and Sellers, 543.
Halling, Solomon, 436, 678, 679.
Hallock, ———, captain, 711.
Halsted, Mathias, 452.
Hamerly, Fabian, 856, 885.
Hamilton, James, brigadier general, 258.
Hammond, Abijah, 557, 759, 858.
Hancock, John, governor, 5, 148, 222, 311, 628, 744, 750, 770, 967, 1033.
Hand, Edward, brigadier general, 39, 155, 157, 712.
Hanging Rock, 56.
Hanson, Benjamin, 941.
Hanson, John, *a delegate from Maryland.* Credentials, 138, 1103, 1151, 1152, attends, 185, 995, 1100; president, 1100. *Committees:* Bills of exchange, 197; quotas, 268, 1087, 1088; French memorial, 311; finances, 381, 1038; week, 996, 1195; Indians, 1055, 1088; War Department, 1070. *Votes*, 205, 224, 267, 279, 287, 289, 291, 305, 332, 334, 338, 358, 1043, 1054, 1058, 1061, 1074, 1078, 1090, 1114, 1119, 1120, 1121, 1130, 1147, 1148, 1153, 1161, 1165, 1180. *Mentioned*, 213, 222, 224, 1089*n*, 1146, 1176.
Harding, Seth, 1013.
Hardy, Jane, 888.
Hardy, Joseph, 690, 840, 884, 942.
Hardy, William, 888, 948.
Harnett, Cornelius, 223.
Harpur, Robert, 209.
Harrison, Benjamin, 142, 148, 176, 185, 193, 750, 1104.
Harrison, Charles, colonel, 7, 24, 1054.
Harrison, Richard, 482, 692, 754, 856.
Hart, Thomas, 275, 329, 360.
Hartford, convention at, 155, 190, 235.
Harvie, John, 223.
Harwood, Thomas, 7, 72, 119, 336, 360, 388.
Haryls, Abraham, 812, 815.
Hatch, Jabez, 642.
Hausseger, Nicholas, colonel, 143.
Havana, agent at, 698, 705.
Hawes, William, 815.
*Hawk*, schooner, 696, 719.
Hawkins, Benjamin, *a delegate from North Carolina.* Credentials, 1034, 1104; attends, 1034, 1100. *Committees:* Week, 1039, 1195, 1196; Heguy, 1042; quotas, 1088; Giles, 1171. *Votes*, 1037, 1043, 1058, 1074, 1078, 1114, 1130, 1148, 1165. *Mentioned*, 1112, 1126*n*.

Hay, Samuel, lieutenant colonel, 343.
Hay, Udny, 464, 491, 832, 939, 1014*n*, 1074, 1086.
Hayne, Isaac, colonel, 917, 926, 927, 941, 947, 972.
Hazard, Ebenezer, 716, 723, 731, 899, 906, 1164*n*.
Hazen, Moses, 342, 389, 413, 427, 428, 429, 448, 467, 508, 517, 542, 590, 601, 634, 660, 668, 669, 684, 689, 694, 711, 718, 721, 728, 784, 849, 998, 1056, 1163, 1187.
Heath, William, major general, 943, 944, 948, 954, 975, 995, 1024, 1028, 1032, 1039, 1044, 1051, 1059, 1069, 1073, 1092, 1106*n*, 1109*n*, 1113*n*, 1117*n*, 1123*n*, 1143, 1185*n*, 1190*n*.
Heer, Bartholomew von, captain, 660, 811.
Heguy, Alexander, 840, 848, 893, 1042.
Henderson, John, 32, 41, 71, 130, 142, 161, 312, 341, 491, 901, 934.
Henry, Robert, 785.
Heron, J. G., 938.
Herring, ———, 30.
Hester, Daniel, 1031.
Hetherling, Jacob, 840.
Heyward, Thomas, jr., 223, 437, 447.
Higgins, Samuel, 851.
Hill, ———, lieutenant colonel, 353.
Hill, Henry, 1188.
Hillegas, Michael, 120, 131, 329, 336, 522, 532, 599, 643, 945, 952, 976, 995.
Hiller, ———, 14.
Hiltzheimer, Jacob, 455, 507, 519, 527, 737, 818, 899, 906.
*Hinchinbrook*, brig, 982.
Hodgdon, Samuel, 8, 10, 90, 91, 100, 536, 537, 580, 746, 756.
*Hodgson*, schooner, 945.
*Holker*, brigantine, 921, 935.
Holker, John, consul general, 717, 883, 899, 906, 911, 928, 942, 943, 946, 1063.
Holland, minister to, 779; alliance with, 848, 859, 876; treaty of commerce with, 909, 1201.
Holmer, Christian, major, 15, 34, 35, 254.
Holten, Samuel, *a delegate from Massachusetts*. Credentials, 4. *Mentioned*, 29, 222.
Honeyman, W., 772.
Hoops, Adam, 845, 1035.
Hopkins, Esek, 711.
Hopkins, James, 1041, 1042.
Hopkins, John, 202, 388, 581.
Hopkins, Thomas, 716.
Hopkinson, Francis, 303, 306, 341, 430, 783, 899, 906.
Hosmer, Titus, 222, 597.
Hospital department, regulations, 68, 103, 104, 292, 624, 979, 983, 1093, 1183; vacancies, 668.
Houston, William Churchill, *a delegate from New Jersey*. Credentials, 777, 1102; attends, 289, 1142; Treasury Board, 570, 658, 1193; Comptroller, 1006. *Committees:* Morris's letter, 291, 432; lottery, 304; New York letter, 311, 339, 420; John Paul Jones, 386, 390; French loan, 399; Schuyler's letter, 421; Hospital staff, 464; Bland's motion, 469; Pickering's letter, 475; supplies, 556; bills of credit, 578, 594; Caldwell, 620; military stores, 630; Pettit, 649, 677; Massachusetts letter, 702; depreciation, 704; boards, 708; navy, 708; finances, 723; Campbell, 1159; New York finances, 1160; Dartmouth college, 1169; gunpowder for New York, 1181; week, 1194. *Votes*, 290, 293, 305, 547, 592, 593, 607, 609, 610, 612, 613, 614, 618, 619, 626, 627, 647, 650, 694, 713, 1147, 1148, 1153. *Mentioned*, 327*n*, 337*n*, 339*n*, 391*n*, 433*n*, 450*n*, 456*n*, 471, 473*n*, 572, 588, 591, 594, 606, 606*n*, 700, 708*n*, 1039, 1050, 1147*n*, 1151*n*, 1159*n*, 1162*n*, 1164*n*.
Houstoun, John, governor, 1021.
Howard, John Eager, lieutenant colonel, 247.
Howe, Robert, major general, 114, 900, 907, 930, 937, 938*n*, 1110.
Howe, Sir William, 366.
Howell, Isaac, 132, 134.
Howell, Joseph, jr., 91, 100, 150, 151, 174*n*, 313, 314, 461, 465, 483, 522, 523, 544.

Howly, Richard, *a delegate from Georgia.* Money, 256, 466, 535, 817, 974. *Committee:* South Carolina, 493; Board of War, 522; Convention troops, 529; week, 598, 835, 1194, 1195, 1196; Elliot, 791; Muscoe Livingston, 893; Pennel, 911; St. Clair and Stark, 954. *Votes*, 2, 3, 106, 111, 112, 176, 205, 224, 279, 287, 288, 289, 291, 293, 306, 334, 338, 392, 503, 516, 524, 529, 530, 547, 592, 593, 607, 609, 610, 612, 613, 614, 615, 618, 619, 626, 627, 648, 650, 658, 663, 730, 731, 741, 742, 747, 752, 776, 778, 827, 888, 924, 956, 983, 985. *Mentioned*, 2, 92, 98, 205, 224, 246, 334, 469, 602*n*, 628, 746, 752, 982.
Hughes, Hugh, 930*n*.
Hugon, T. B., captain, 1164, 1166.
Humphreys, David, 1099, 1108.
Humpton, Richard, colonel, 1046, 1049.
Huntington, Benjamin, *a delegate from Connecticut.* Credentials, 1102.
Huntington, Samuel, *a delegate from Connecticut.* Credentials, 1102. *Committees:* Articles of Confederation, 471. *Votes*, 2, 3, 105, 111, 153, 154, 175, 205, 267, 279, 287, 289, 290, 293, 305, 332, 333, 338, 358, 392, 503, 504, 516, 524, 529, 530, 547, 592, 593, 607, 609, 610, 612, 613, 614, 618, 619, 626, 627, 647, 650, 658, 663, 681, 694, 713, 726, 730, 731. *Mentioned*, 18, 42, 61*n*, 127*n*, 153, 192*n*, 200*n*, 222, 223, 345*n*, 445*n*, 450*n*, 526*n*, 639, 652, 654, 724, 743, 744, 746*n*.
Huske, John, 1034, 1104.
Hutchins, Thomas, 187, 339, 475, 738, 768, 812.
Hutchinson, ———, 786.
Hutson, Richard, 223, 914, 921.
Hyrne, Edmund, thanks to, 1085.
Illinois Land Co., 253, 704, 784, 1032, 1057, 1098, 1113.
Imlay, William, 4, 402.
Impost, 102, 103, 105, 110, 112, 113*n*, 124, 136*n*, 295, 394, 424, 434, 435, 636, 718, 750, 1035, 1199.
Independence, Declaration of, 475, 543, 1200, 1201, 1203.
Indian department, eastern, 148.
Indiana Land Co., 781, 1057, 1077, 1098, 1113.
Indians, Delaware, 33; treaty, 262; enemies, 280; Oneida and Tuscarora, 465; Catawba, 488; education, 820, 842, 1051. Caughnawaga, 881, 917, 1014; near Schenectady, 901; memorial, 935; supplies for, 939; Cherokee, 1055, 1088; Chickasaw, 1055, 1088.
Inglis, Samuel, 600, 1188.
Interpreter, abolished, 859.
Invalid regiment, 265, 717.
Ironmasters, pay of, 149, 204, 254, 263, 278, 463.
Irvine, William, brigadier general, 31*n*, 273, 677, 1169*n*.
Irwin, Mathew, 922.
Irwin, Thomas, 463, 996, 1018, 1035.
Isaacs, ———, 821.
Jackson, David, 695, 709, 981.
Jackson, Henry, 1128.
Jackson, John M., 71.
Jackson, William, 1202.
Jacob, George, 265.
James, John, 140.
Jameson, John, lieutenant colonel, 460.
January, Peter, 13, 21.
Jardin, Tronson de, 231, 904.
Jay, Sir James, 884, 911, 1024, 1026.
Jay, John, 113, 151, 437, 451, 464, 472, 484, 497, 508, 551, 628, 651, 653, 676, 681, 739, 750, 856, 878, 913, 1003, 1053, 1138; secretary foreign affairs, 638.
Jefferson, Thomas, governor, 70, 95, 96, 106, 144, 147, 175, 176, 194, 196, 232, 262, 312, 313, 323, 359, 367, 374, 396, 435, 449, 474, 499, 571, 597, 832, 914, 970, 1014; peace commissioner, 628, 648, 653, 676; declines, 1043; mentioned, 1138.
Jenifer, Daniel, 980.
Jenifer, Daniel, of St. Thomas, *a delegate from Maryland.* Credentials, 138, 1103; attends, 498, 1100; Admiralty Board, 507, 1193. *Committees:* Greene, 519; neutrality, 579; Navy, 708; marine department, 724, 728; prisoners, 749; admiralty report, 769; prisoners' relief,

773; Wereat, 820; week, 856, 1194; Brown, 883; J. P. Jones, 942; Vermont controversy, 1032; Nicholas, 1131. *Votes*, 503, 504, 516, 524, 529, 530, 547, 592, 593, 607, 609, 610, 612, 613, 614, 615, 618, 619, 626, 627, 648, 650, 658, 663, 714, 726, 730, 731, 741, 742, 747, 752, 776, 822, 827, 854, 888, 924, 983, 985, 1054, 1058, 1061, 1090. *Mentioned*, 628, 739, 755*n*, 770*n*, 775*n*, 928*n*, 943*n*, 1029*n*, 1089.

Jenkins, John, 855.

Jenkins, Thomas, lieutenant, 134, 1124.

*Jersey*, prison ship, 517, 787.

Jewell, Joseph, 133.

Jewell, Robert, 92, 120, 197, 486, 948.

Johnson, Baker, 65, 66.

Johnson, Jacob, 1016, 1041.

Johnson, Joshua, 500, 907.

Johnson, Robert, 506, 1063, 1072.

Johnson, Thomas, 437.

Johnston, Samuel, *a delegate from North Carolina*. Credentials, 1034, 1104; money, 325, 603; President, 732, 733. *Committees:* Pettit, 36; Sullivan, 53; Scott, 430; Articles of Confederation, 471; week, 500, 1193; Pennsylvania, 523; Quartermaster's certificates, 599; Hazen, 721, 728; Sullivan, 818. *Votes*, 2, 3, 153, 154, 176, 205, 224, 267, 279, 288, 289, 291, 293, 306, 332, 334, 338, 358, 392, 503, 504, 516, 524, 529, 530, 547, 592, 593, 607, 609, 610, 612, 613, 614, 615, 618, 619, 626, 627, 648, 650, 658, 663, 694, 714, 726, 730, 731, 747. *Mentioned*, 224, 505*n*, 508*n*, 517*n*, 520n, 731, 737, 738, 899.

Jones, John Coffin, 19.

Jones, John Paul, 13, 174, 175, 200, 228*n*, 317, 342*n*, 386, 390, 391, 452, 572, 590, 620, 698, 710, 711, 722, 726, 743, 758, 769, 812, 843, 884, 900, 942.

Jones, Joseph, *a delegate from Virginia*. Credentials, 1103; attends, 94, 1100. *Committees:* Washington, 133; finance, 146; Jones and Landais, 174; Harrison, 185; Brodhead, 187; Virginia, 194; prisoners, 196, 534; La Luzerne, 225; Forman and Gibson, 306; French memorial, 311, 562; Treasury, 509; Maryland letter, 515; Greene, 519; Pennsylvania, 523; finances, 533, 1147*n*, 1149; southern states, 548; letter to states, 585; bills of credit, 594; military stores, 630; courts-martial, 656; Massachusetts letter, 702; report War Board, 754; intercepted letters, 751; merchants' memorial, 855; week, 856, 1039, 1194, 1195; Indians, 881; old money, 884; Navy, 913; St. Clair, 916; New York letter, 931; Rhode Island letter, 944; Morton, 945; Rhode Island, 969; Caughnawaga Indians, 1014; Seagrove, 1045; South Carolina and Georgia officers, 1051; Pollock, 1107; South Carolina officers, 1117; New York finances, 1160*n*; Yorktown prisoners, 1162*n*; Peters, 1172; New Hampshire letter, 1179*n*; gunpowder for New York, 1181; Stark, 1185*n*. *Votes*, 106, 111, 112, 153, 154, 175, 205, 224, 267, 279, 288, 289, 293, 503, 504, 516, 524, 529, 530, 547, 592, 593, 609, 610, 612, 613, 614, 615, 618, 619, 626, 627, 648, 650, 663, 682, 694, 714, 726, 730, 731, 741, 742, 747, 752, 778, 822, 827, 854, 924, 956, 983, 1043, 1054, 1058, 1061, 1074, 1090, 1114, 1119, 1120, 1121, 1130, 1147, 1148, 1153, 1161, 1165, 1180. *Mentioned*, 174*n*, 224, 230*n*, 516, 534*n*, 548*n*, 848, 881*n*, 908, 913, 1113, 1114, 1173*n*.

Jones, Nathan, 187, 343.

Jones, Noble Wimberly, *a delegate from Georgia*. Credentials 1015, 1106; attends, 1015, 1100. *Committees:* Week, 1028, 1195; South Carolina and Georgia officers, 1051, 1117. *Votes*, 1043, 1058, 1061, 1074, 1078, 1090, 1114, 1119, 1120, 1121, 1130, 1148, 1153, 1161, 1165, 1181.

Jones, Thomas, 577, 679.

Jones, Willie, *a delegate from North Carolina*. *Committees:* Sullivan's letter, 53; Bowen, 53.

Jones, ———, Dr., 1033.
Jones, ———, Rev., chaplain, 700.
Jordan, John, captain, 330, 602.
Journals of Congress, purchase of, 549; secret, 588; editions, 1203.
Judge Advocate, pay of, 1021.
Kalb, Baron de, 931.
Keen, Roger, 921, 922, 935.
Keene, L. (?) major, 451.
Kerr, George, 312.
King, Frederick, 944, 948.
Kingston, N. Y., burning of, 1017.
Kinloch, Francis, *a delegate from South Carolina.* Credentials, 1105.
Kinnan, William, 40, 132, 311, 373, 535, 899, 906.
Kinsbury, John, 1141.
Knox, Henry, brigadier general, 8, 70, 184, 194, 538, 922, 1120, 1126.
Lacoizqueta, John Joseph, 1170.
Lafayette, Marquis de, 204, 389*n*, 520, 531, 581, 682, 828, 852, 1110, 1134, 1135, 1146. *Letters:* 14, 335, 338, 451, 471, 473, 499, 580, 693, 722, 767, 789, 790, 844, 855, 910, 929, 961, 973, 1131*n*.
La Luzerne, Anne Caesar, Chevalier de, letters, 57, 66, 224, 231, 526, 718, 788, 854, 857, 874, 876, 904, 913, 1026; memorials, 199, 308, 341, 371, 491, 513, 543, 556, 557, 600, 601, 608, 618, 792, 846, 896, 925, 940, 946, 975, 990, 998, 1003, 1009, 1011; conference, 248, 252, 669, 1137.
Lamb, Robert, 695.
Land, western, 99, 210, 211, 502, 526, 704, 784, 1057, 1077, 1098, 1113.
Landais, Pierre, 174, 318, 590.
Langdon, John, 438.
Langworthy, Edward, 223.
Laumoy, de, 1008.
Laurens, Henry, instructions, 651, *a delegate from South Carolina.* Credentials, 1105. *Votes*, 62, 129, 139, 223, 227, 345, 346, 451, 622, 623, 647, 648, 653, 676, 681, 779, 780, 893, 900, 1003, 1027, 1138, 1140, 1150.
Laurens, John, 10, 15, 180, 550, 577, 628, 693, 695, 751, 928, 932, 935, 940, 945, 996, 999, 1053, 1063, 1068, 1069, 1081, 1106*n*.
Lavigne, Coulaux, 274, 401.
Law of nations, infractions of, 1136.
Law, Richard, *a delegate from Connecticut.* Credentials, 1102; attends, 1068, 1099. *Committees:* Week, 1069, 1149, 1195, 1196; Washington's letter, 1185*n*. *Votes*, 1073, 1077, 1090, 1114, 1118, 1120, 1121, 1130, 1147, 1148, 1153, 1161, 1165, 1180. *Mentioned*, 125, 1144*n*, 1172*n*.
Lawrence, John, 194, 275, 321, 323.
Lawrence, William, 133.
Leaden spouts, 902.
Leary, Daniel, 233.
Le Brun, ———, 904.
Lee, Andrew, 456, 467.
Lee, Arthur, 13, 15, 32, 35, 63, 65, 163, 522, 574, 832, 833, 860.
Lee, Francis Lightfoot, 223.
Lee, Henry, 65, 130, 137, 180, 256, 286, 756, 828, 861, 900, 942, 1026, 1032.
Lee, Richard Henry, 223.
Lee, Thomas, 19.
Lee, Thomas Sim, governor, 140, 240, 264, 313, 515, 534, 597, 832, 1068.
Lee, William, 143, 688, 740, 741, 931, 955.
Lees, James, 970, 971.
Le Grand, Barrere, 860.
Letter to States, 585, 906, 1174.
Letters of marque. (See *Privateers.*)
Le Vacher de St. Marie, 321.
Levy, Aaron, 303, 328.
Lewis, Francis, 222, 320, 463, 743, 756.
Lewis, Morgan, 57, 228.
Lewis, William, major, 661.
*Lexington*, brig, 769.
L'Hommedieu, Ezra, *a delegate from New York.* Credentials, 1132; attends, 816; Treasury Board, 821, 1193; *Committees:* Treasury accounts, 976; accounts, 986. *Votes*, 822, 827, 854, 888, 924, 956, 983, 985, 1037, 1043. *Mentioned*, 1014*n*.

Lincoln, Benjamin, major general, 16, 181, 184, 277, 497, 620, 775, 782, 787, 933, 1042; Secretary of War, 1087, 1102, 1111, 1140, 1141, 1148*n*, 1165*n*, 1166.
*Lively*, 98.
Livermore, Samuel, *a delegate from New Hampshire*. Credentials, 498, 1100; attends, 498, 1099. *Committees:* Week, 520, 715, 884, 1193, 1194; Pennsylvania, 523; J. P. Jones, 758; finances, 781; Wereat, 820; Indians, 881; New York letter, 931; Rhode Island letter, 944; Morton, 952*n;* Rhode Island, 969; Greene's letter, 970; retaliation, 972; Caughnawaga Indians, 1014; Vermont controversy, 1032; quotas, 1088, 1089; Dartmouth College, 1169*n*. *Votes*, 503, 504, 516, 524, 529, 530, 547, 592, 593, 607, 609, 610, 612, 613, 614, 618, 619, 626, 627, 647, 650, 658, 663, 681, 694, 713, 726, 730, 731, 741, 742, 747, 752, 776, 778, 821, 822, 827, 854, 888, 924, 956, 983, 1037, 1090, 1043, 1118, 1120, 1121, 1130, 1147, 1148, 1153, 1161, 1165, 1180. *Mentioned*, 644*n*, 718*n*, 723*n*, 810*n*, 969*n*, 982, 982*n*, 1046*n*.
Livingston, James, colonel, 554, 709, 712, 721, 758, 784, 835, 848, 1056.
Livingston, Musco, lieutenant, 430, 727, 755, 769, 893, 906.
Livingston, R. G., 1072.
Livingston, Robert R., 65; Secretary for Foreign Affairs, 851, 1137; letters, 930, 1028.
Livingston, William, governor, 103, 359, 749*n*, 969.
Lloyd, John, 36, 322, 453, 401.
Lloyd, Peter Z., 1131.
Loan office certificates, interest on, 1062; debt, 168, 1049; salaries, 903.
Loans, from France, 674, 1000, 1004; for refugees, 782; treasurer of, 783.
Loizeau, Augustin, 709, 721, 722.
Lolme, J. L. De, 1201.
Lomagne, ———, Major, 532, 551, 851, 984, 998, 1016, 1022.
Loring, John, 605.
Loseau, Augustine. (See *Loizeau.*)
Lotbinière, Louis, 48, 97, 131, 505, 617.
Lottery, fourth class, 123; prizes in, 304; prize numbers, 1200.
Louis, Colonel, 945, 953.
Louis XVI, letters, 527, 556, 928, 1063, 1136, 1145.
Lovell, James, *a delegate from Massachusetts*, 4. Credentials, 628, 1101; attends, 1099. *Committees:* Army mutiny, 45, 57; Gibson, 95; Treasury, 254; quotas, 268; Parsons, 430; Johnson and Ross, 500; Bingham, 645; Ross, 680; Winthrop, 734; Elizabeth Bergen, 851, 908; William Lee, 931, 955; Silas Deane, 955; John Clark, 1106*n;* Washington's letter, 1111*n;* Knox, 1120; fisheries, 1123*n;* Edison, 1160; Giles, 1171; Bingham, 1183; week, 1196. *Votes*, 111, 153, 154, 175, 223, 267, 279, 287, 289, 332, 333, 358, 392, 503, 504, 516, 524, 529, 530, 547, 592, 593, 607, 609, 610, 612, 613, 614, 618, 619, 627, 647, 650, 694, 713, 726, 730, 731, 741, 742, 778, 821, 822, 854, 924, 956, 983, 985, 1037, 1054, 1058, 1060, 1073, 1090, 1114, 1118, 1120, 1121, 1130, 1165, 1180. *Mentioned*, 153, 154, 162, 222, 223, 430, 549, 681*n*, 735*n*, 854*n*, 859, 1113*n*, 1120, 1160*n*, 1166*n*.
Loyalists in New York, 1181.
Lucas, James, 306.
Lucas, John, captain, 264, 327, 328.
Ludwick, Christopher, 94, 159.
*Luke*, brigantine, 319.
Lyon. (See *Du Maine.*)
McCall, James, 323.
McCasky, Alexander, 462, 888.
McClean, Archibald, 753, 856.
McClean, John, 533.
McClenachan, Blair, 82, 325, 463.
McComb, James, 15, 21, 22*n*, 25.
McConnell, Mathew, 23, 32, 90, 140, 194, 260, 274, 1056.
McCrea, Stephen, 958, 1016.
Maccubbin, James, 138, 140, 1103.

McDougall, Alexander, *a delegate from New York.* Attends, 64. *Committees:* Armand, 78; Skinner, 78; Atlee, 86; Hodgdon, 90; Washington's letters, 104, 133; Patton, 115; Pettit's letter, 121; Whipple's memorial, 135; Harrison's letter, 142; Southern Department, 179; d'Arendt, 181, 353; Sartine's letter, 185; Franklin's letter, 187; ironmasters, 190; Burnet's letter, 203; Hutchins, 339; courts-martial, 656. *Votes,* 111, 153, 154, 175, 205. *Mentioned,* 97*n*, 145*n*, 156, 206, 211, 213, 278*n;* secretary of marine, 203, 333, 334; major general, 252, 326, 327, 332, 340, 420, 900.

McDuff, James, 261.

McGee, James, 696.

McHenry, James, 244, 541.

McIntosh, Lachlan, brigadier general, 752, 772, 773, 996.

McIntyre, Thomas, captain, 140.

McKean, Thomas, *a delegate from Delaware.* Credentials, 193, 1103; attends, 193; president, 733, 1071; resigns, 1069; thanks, 1108. *Committees:* McComb, 16; executive departments, 31; French letter, 57; Lewis memorial, 57; Campbell, 63; Dumas's letter, 78; Pennsylvania letter, 105; courts, 234; Pettit's letter, 266; quotas, 268, 1088; lottery, 304; French memorial, 311; New York letter, 311, 339; bills of credit, 351; Board of War's letter, 359; court of appeals, 375, 599; impost, 636; burning bills, 668, 690; marine department, 726; New Hampshire, 732; captures, 764; New Hampshire letter, 836; Morton, 952*n*. *Votes,* 105, 111, 112, 153, 154, 175, 205, 224, 267, 291, 293, 305, 332, 338, 358, 650, 658, 682, 694, 726, 741, 742, 747, 752, 776, 778, 822, 827, 854, 888, 924, 956, 983, 985, 1037, 1043, 1054, 1058, 1060, 1090. *Mentioned,* 54*n*, 65, 67*n*, 206, 222, 224, 234, 235, 304, 304*n*, 312, 345, 351*n*, 352, 357, 648, 650, 758*n*, 766*n*, 783*n*, 814*n*, 828*n*, 868*n*, 879*n*, 880, 883*n*, 920*n*, 927, 928*n*, 941, 951*n*, 955*n*, 974*n*, 978*n*, 1050, 1064, 1064*n*, 1070, 1113*n*.

McKenzie, James, 602.

McKesson, John, 75.

McKinley, John, 1017.

McKinnan, William, 787, 788.

McLane, Allen, captain, 39.

McLene, James, *a delegate from Pennsylvania. Committees:* Bible, 91.

McMullin, Joseph, 881.

McMurdie, Robert, 486, 631, 643.

McNutt, Alexander, 56, 1052.

Macpherson, John, 32.

McPherson, William, major, 207, 1162, 1171.

McQueen, James, 437.

Madison, James, *a delegate from Virginia.* Credentials, 1103; attends, 1100. *Committees:* Washington, 31*n;* Bowen, 53; Harrison, 142; Southern department, 179; Articles of Confederation, 186, 236; fast day, 258; French memorial, 311; 745; d'Arendt, 353; Board of War, 376; Jay, 437; Maryland, 446; Madison's motion, 420; New York, 420; Morris, 429, 714; week, 500, 884, 1078, 1193, 1194, 1195; Army pay, 506; finances, 724; New Hampshire, 732; salaries, 733; Marbois, 738; Greene, 755, 789; Washington's letter, 782; impost, 787; delegates' pay, 813; New Hampshire letter, 836; South Carolina letter, 970; Pennsylvania letter, 1012; Trumbull and Greene, 1023; fisheries, 1123*n;* Lafayette, 1131, 1134; Duportail, 1141*n*. *Votes,* 2, 3, 106, 111, 112, 153, 154, 175, 205, 224, 288, 289, 291, 332, 334, 338, 503, 504, 516, 524, 529, 530, 547, 592, 593, 607, 609, 610, 612, 613, 614, 615, 618, 619, 626, 627, 648, 650, 658, 663, 682, 694, 714, 726, 741, 742, 747, 752, 776, 778, 822, 854, 888, 924, 956, 983, 985, 1037, 1043, 1054, 1058, 1061, 1074, 1078, 1090, 1114, 1119, 1120, 1121, 1130, 1147, 1148, 1153, 1161, 1165. *Mentioned,* 1, 2, 39*n*, 113*n*, 117*n*, 153*n*, 192*n*, 224, 270, 312, 314, 348, 349*n*, 359, 374, 375*n*, 420, 471, 493, 496, 502, 507*n*, 516, 555*n*, 599, 612*n*, 613, 613*n*, 632*n*, 708*n*, 713, 713*n*, 724*n*, 746, 746*n*, 814*n*, 848, 893, 965*n*, 1023, 1030*n*, 1045, 1058*n*, 1135*n*, 1151*n*.

Mahon, Patrick, 935.
Malcolm, William, colonel, 5, 36, 37, 38, 289, 517.
Malescot, Nicholas, 260.
Marbois, François de Barbé, Marquis de, memorial, 738, 745, 769.
Marcellir, de, 758, 812, 813.
Marchant, Henry, 222.
Marair, ———, 486.
Marine, agent of, 767*n*, 764, 943; secretary of, 124*n*, 126, 127, 133, 203, 724; Department, arrangement of, 124, 124*n*.
Marion, Francis, brigadier general, 1056, 1085.
*Marquis de La Fayette*, ship, 319, 999, 1004, 1139.
Marr, Lawrence, 1109.
*Mars*, 579.
Marten, Joseph, 1089.
Martin, Louis Daniel, 490, **1144**.
Martz, Leonard, 832.
Maryland, funds from, 38; on Articles of Confederation, 138, 186, 992; executive council of Eastern Shore, letter, 446; letter of senate and house of delegates, 597; troops from, 635; brigade, thanks, 1084; credentials, 1103.
Mason, David, 573.
Massachusetts, letters, 33; funds from, 38, 61; Senate, letter, 311; quotas, 421, 729; credentials, 628, 1101.
Massey, William, 844, 845, 1022, 1124.
Mathews, George, colonel, 1.
Mathews, John, *a delegate from South Carolina*. Credentials, 1105; attends, 1100; money, 71, 188, 336, 483, 507, 543, 696, 825, 1021; War Board, 10, 197. *Committees:* Pennsylvania line, 20; New York, 95, 722, 835, 931; Forrest, 160; Whole, 184, 245, 250, 253, 254, 258, 266, 364, 367; Articles of Confederation, 186, 471; rules, 225; McDougall, 253; Skinner, 257; Oliphant, 335; Board of War, 359, 367, 376, 522; John Paul Jones, 386, **390**, 572; Virginia, 397; Lafayette, 451, 531; prisoners at Charleston, 458; Moultrie, 468, 881, 1026; week, 482, 1193; Greene, 519, 755, 789; Convention troops, 529; finances, 533, 688, 732, 739, 946; Southern States, 548; supplies, 556; French memorial 562, 986, 1063; bills of credit, 578; letter to States, 585; Mathews's motion, 675, 915; captures by land, 690; gun ship, 692; agent at Havana, 698; land cessions, 704*n*; salaries, 733; consul's commission, 735; prisoners, 749; Melven, 753; French letter, 769, 778, 858, 876, 928; prisoners' elief, 773; Washington's letter, 782; delegates' pay, 813; Sullivan, 819, 826; Wereat, 820; Jay, 884; South Carolina letter, 911, 920; *Argo*, 911; Hayne, 926; Southern department, 930; French supplies, 932; J. Laurens, 934; ships of war, 953; Rhode Island, 909; retaliation, 978; Treasury, 1039; Seagrove, 1045; Indians at Princeton, 1050; French affairs, 1052; Pollock, 1107. *Votes*, 2, 3, 106, 111, 112, 153, 154, 176, 205, 224, 267, 279, 287, 288, 289, 291, 293, 332, 334, 338, 358, 392, 503, 504, 516, 524, 529, 530, 547, 592, 593, 607, 609, 610, 612, 613, 614, 615, 618, 619, 626, 627, 648, 650, 658, 663, 682, 694, 714, 726, 730, 731, 741, 742, 747, 752, 776, 778, 822, 827, 983, 985, 1037, 1043, 1054, 1074, 1090, 1153, 1161, 1165, 1181. *Mentioned*, 31*n*, 87, 91, 97, 102*n*, 105, 135, 136*n*, 141, 156, 156*n*, 192*n*, 223, 224, 225, 236, 246, 252, 273, 274, 287, 288, 290, 292, 304, 331, 353, 357, 359, 383, 386, 395*n*, 468*n*, 471, 471*n*, 478*n*, 481*n*, 486*n*, 491, 491*n*, 492*n*, 500*n*, 504, 506, 507, 527*n*, 532, 544*n*, 577, 587*n*, 588, 619, 624, 628, 632, 647, 675, 678, 683, 699, 706*n*, 731, 733, 739*n*, 746, 748, 761, 768*n*, 790*n*, 814*n*, 831, 857, 887*n*, 915, 915*n*, 917, 918*n*, 930, 941, 953*n*, 977, 978*n*, 1017, 1018, 1027*n*, 1039, 1043, 1092, 1182.
Mathews, Mary, 590.
Matlack, Timothy, 1188.
Mead, George, 786, 1102.
Mease, James, 40.
Mediation, 585, 605.
Medical committee, discontinued, 570.

Meem, Mary, 753.
Meigs, Return Jonathan, colonel, 8.
Mechambor, Humphrey, 973.
Melvcn, George, 723, 753, 767, 1031, 1041, 1042, 1046, 1052, 1078.
Mercer, Hugh, brigadier-general, 712.
Mercer, Richard, 747.
Mercier, John D., 382, 984.
Meredith, Samuel, 1188.
Middleton, Arthur, *a delegate from South Carolina*. Credentials, 1007, 1105; attends, 1007, 1100. *Committees:* Trumbull and Greene, 1023; week, 1028, 1195; Hayne, 1055; Greene, 1059, 1083; finances, 1069; Larreguy, 1170; New Hampshire letter, 1179*n*; reports for States, 1184; Stark, 1185*n*. *Votes*, 1037, 1043, 1054, 1058, 1061, 1074, 1078, 1090, 1114, 1119, 1120, 1121, 1130, 1148, 1153, 1161, 1165, 1181. *Mentioned*, 1073, 1113, 1118*n*, 1160, 1169*n*, 1180.
Miles, Samuel, 24, 137, 140, 141, 249, 306, 307, 307*n*, 323, 324, 344, 573, 682, 691, 958.
Miller, Robert, 359*n*.
Milligan, James, 1050, 1061, 1068.
Missiskoy Bay, 887, 893.
Mississippi, navigation of, 151, 305, 554, 853.
Mitchell, Alexander, 1049.
Mitchell, Nathaniel, 1016, 1025, 1033, 1039.
Montgomery, Hugh, 6.
Montgomery, Joseph, *a delegate from Pennsylvania*. Credentials, 1103, 1130; attends, 1099, 1130. *Committees:* January, 13; Washington's letters, 31*n*, 1111*n*; Board of War's letter, 39, 1059; Blaine's letter, 45, 277, 812; Lewis memorial, 57; Campbell, 63, 1044, 1060; German regiment, 73; Skinner, 78; Virginia, 95, 449; Harrison, 142; Pickering, 337; Pennsylvania line, 396*n*; Scott, 430; Virginia and Washington, 499; week, 625, 732, 813, 969, 1194, 1195, 1196; depreciation, 704; Sullivan, 826; Vermont, 842; Elizabeth Bergen, 851, 908; Thanksgiving, 958, 1074; Simon, 971; hospital department, 984; Lomagne, 1016, 1022; Georgia letters, 1021; Walton, 1044; Desdevens, 1062; finances, 1069; John Clark, 1073; Knox, 1120; President's house, 1128; Post office, 1131. *Votes*, 2, 3, 105, 111, 112, 153, 154, 175, 279, 287, 289, 290, 293, 305, 332, 334, 338, 358, 503, 504, 618, 619, 626, 627, 648, 658, 663, 681, 694, 714, 726, 730, 731, 741, 742, 747, 752, 776, 778, 827, 854, 983, 985, 1037, 1043, 1060, 1074, 1077, 1090, 1114, 1119, 1120, 1121, 1130, 1180. *Mentioned*, 312, 396, 686, 1018, 1036, 1037, 1047, 1062, 1071.
Montluisant, ———, 485.
Montmorin, ———, 913.
Moody, John, 1109.
Moore, James, 785, 898, 903.
Moore, Philip, 600.
Moore, William, president, letters, 420, 469, 523.
Morgan, Daniel, brigadier general, 129, 130, 133, 246, 247, 359, 393, 712.
Morgan, George, 264, 820, 842, 1051.
Morgan, John, Dr., 56.
*Morning Star*, privateer, 945.
Morocco, consul to, 553.
Morris, Cadwallader, 1188.
Morris, Gouverneur, 222, 1042*n*.
Morris, James, 145.
Morris, Joseph, major, 930.
Morris, Robert, superintendent of finance, 180, 222, 255, 263, 287, 288, 290, 291, 326, 337, 429, 431, 449, 455, 499, 519, 530, 544, 545, 545*n*, 546, 548*n*, 597, 610, 681, 683, 688, 689, 691, 692, 695, 706, 709, 714, 723, 732, 740, 783, 844, 903, 916*n*, 943, 946, 953, 983, 996, 1002, 1026, 1028, 1042, 1065, 1109*n*, 1112, 1113*n*, 1123*n*, 1140, 1147*n*, 1151*n*, 1183, 1189*n*, 1200.
Morris, ———, captain, 82.
Morris, ———, Dr., 756.
Morse Charles, 130, 146, 210, 213, 733.
Morton, Perez, 945, 952.

Motte, Isaac, *a delegate from South Carolina*. Credentials, 1105; attends, 1100; money, 120, 340, 689, 818; Treasury Board, 65. *Committees:* Lee, 32; quartermaster's stores, 262; commissary, 390; Hazen, 427, 590, 668; hospital staff, 464; Blaine, 488, 812; Howell, 523; Army account, 549; week, 598, 1052, 1194, 1195; quartermaster's certificates, 599; burning bills, 668, 690; Hazen, 721, 728; Armand, 984, 1023. *Votes*, 2, 3, 106, 111, 112, 153, 154, 176, 224, 267, 279, 287, 291, 293, 306, 332, 334, 338, 358, 392, 503, 504, 524, 547, 592, 593, 607, 609, 610, 612, 613, 614, 615, 618, 619, 626, 627, 648, 650, 658, 663, 682, 714, 726, 730, 731, 741, 742, 747, 752, 776, 822, 827, 983, 985, 1037, 1043, 1054, 1058, 1074, 1078, 1090, 1119, 1120, 1121, 1130, 1148, 1153, 1165, 1181. *Mentioned*, 224, 304, 331, 368, 505, 748, 818, 1055, 1062, 1073, 1165, 1182.
Moultrie, William, brigadier general, 130, 437, 458, 465, 497, 517, 620, 881, 886, 976, 1026, 1027.
Mowry, Daniel, *a delegate from Rhode Island*. Credentials, 768, 1101; attends, 768, 1190. *Committees:* New Hampshire, 818; week, 782, 856, 946, 1052, 1194, 1195; Pennell, 911; Simon, 971. *Votes*, 776, 778, 821, 822, 827, 854, 888, 924, 956, 983, 985, 1037, 1043, 1054, 1058, 1060, 1073, 1077, 1090, 1114, 1118, 1120, 1121. *Mentioned:* 1020, 1030, 1056*n*, 1060*n*, 1065*n*.
Moylan, John, 505, 634, 636, 644, 662, 719, 852, 856, 898, 902, 948.
Moylan, Stephen, 149, 319, 402.
Muhlenberg, Peter, brigadier general, 660, 1040.
Mulhallon, John, 909.
Murfits, Henry, 133*n*.
Murray, Alexander, 636, 743, 744, 755, 770.
Nagel, George, 154*n*.
Nash, Abner, governor, 39, 176, 182.
Navarro, Diego José de, 722.
Navy, management, 707, 708, 710, 900, 919.
Navy Board, middle department, 47.
Navy Boards, abolition of, 124.
Necker, Jacques, 558, 999, 1002.
Negro regiments, 900.
Neilson, John, 284.
Neill, Henry, 303.
Nelmes, Thomas, 95, 142.
*Neptune*, brigantine, 1039.
Nesbit, John Maxwell, 1188.
Nesmith, John, 108.
Netherlands. (See *Holland*.)
Neufville, Isaac, 917, 926, 927, 941, 972.
Neufville, John de & Son, 75, 163, 554, 828, 916, 1033, 1106, 1113*n*, 1123*n*.
Nevill, Presley, 264, 701.
New Hampshire, funds, 38, 61; agrees to impost, 435; credentials, 498, 1100; line, 581; quota of troops, 729; money, 1019. Grants (see *Vermont*).
New Jersey funds, 38, 61; agrees to impost, 636; credentials, 777, 1102; troops from, 947; memorial of, 1132; letter, 1179.
New London, burning of, 978, 1017.
New York, letter from legislature, 95; funds, 38, 61; Articles of Confederation, 208, 210, 211; consents to impost, 353; instructions from, 427; paper emissions, 472; land cessions, 704, 824, 1077, 1098, 1113; credentials, 1132.
Nicholas, Samuel, 851, 884, 912, 942, 943, 1018, 1131.
Nicholson, George, 543, 582, 899.
Nicholson, James, captain, 620, 636, 710, 743, 770, 900, 996.
Nicholson, John, 253.
Nicholson, William, 727, 755, 942.
Nicholson, ———, 687.
Nicola, Lewis, colonel, 637, 675.
Niles, Robert, 357, 684.
Nixon, Andrew, 241.
Nixon, John, 122, 545*n*.
Norfolk, burning of, 1017.
North Carolina, funds from, 38; delegates, pay, 814; credentials, 1034, 1104; agrees to impost, 1035; brigade, thanks, 1084; arms for, 1150.

North, William, & Co., 312.
Norwalk, Conn., burning of, 1017.
*Nossa Senhora de Leiramento*, 578.
*Nostra Senhora de Carmel et Saint Antonio*, ship. (See *Our Lady*, etc.)
Nourse, J., 382, 995.
Nugent, James, 1033.
O'Dea, James, 1190*n*.
Officers, pay of, 397.
Olyphant, David, 335, 369, 467, 506, 884, 948, 979, 1144.
O'Neill, 140, 182, 231, 232, 823, 834, 1041, 1050.
Orange, Prince of, 17*n*.
Osgood, Samuel, *a delegate from Massachusetts*. Credentials, 628, 1101. Attends, 628, 1099; Treasury board, 658, 1193; money, 1021. *Committees:* Massachusetts letter, 702; boards, 708; Rhode Island letter, 715, 729; Holker, 717; finances, 723, 908, 1028, 1109*n*; Winthrop, 734; prisoners, 749; Parsons, 750; J. P. Jones, 758, 789; prisoners' relief, 773; *Argo*, 912; Treasury accounts, 976; accounts, 986; Treasury, 1039; Indians at Princeton, 1050; week, 1078, 1195; quotas, 1088, 1089; President's house, 1128; supplies, 1112; Peters, 1172. *Votes*, 647, 650, 658, 663, 681, 694, 713, 726, 730, 731, 741, 742, 747, 776, 778, 821, 822, 827, 854, 888, 924, 956, 983, 985, 1037, 1043, 1054, 1058, 1060, 1073, 1077, 1090, 1114, 1118, 1120, 1121, 1130, 1147, 1148, 1153, 1161, 1180. *Mentioned*, 724*n*, 1051*n*, 1061, 1078, 1079*n*, 1086*n*, 1092*n*, 1179, 1188.
Oswald, E., 1203.
Otis & Henly, 19, 20, 783.
Otto, Bodo, 130.
*Our Lady of Mt. Carmel and St. Antonio*, 75, 900.
Owen, John, 834, 1042.
Painter, Gamaliel, 486, 487, 491, 492.
Palfrey, William, 322, 687, 907, 1036.
Parker, William, 158, 188.
Parr, James, 753.
Parsons & Co., 593.
Parsons, Samuel, 693, 750, 860, 883, 968.
Parsons, Samuel Holden, major general, 114, 429.
Parsons, ———, captain, 1102.
Partridge, George, *a delegate from Massachusetts*. Credentials, 4, 628, 1101; attends, 628, 1099. *Committees:* Week, 668, 835, 946, 1069, 1194, 1195; Winthrop, 734; Marbois, 738; French memorial, 745; St. Clair and Stark, 954; Board of War letter, 1059; Desdevens, 1062. *Votes*, 647, 650, 658, 663, 681, 694, 713, 730, 731, 741, 742, 747, 752, 776, 778, 821, 822, 827, 854, 888, 924, 956, 983, 985, 1037, 1043, 1054, 1060, 1073, 1077, 1090, 1114, 1118, 1120, 1121, 1130, 1147, 1148, 1153, 1161, 1165, 1180. *Mentioned*, 650, 678, 678*n*, 747, 955, 958*n*, 1025, 1060, 1073*n*, 1074*n*, 1119, 1147, 1152.
Paschke, Frederick, captain, 86, 106, 107, 122, 347, 518.
Passports for vessels, 872.
Paterson, William, 777.
Patterson, Ezra, lieutenant, 360.
Patterson, John, 1203.
Patterson, Samuel, 235, 498, 658, 851, 1024.
Patton, John, 190, 195, 254, 278, 325, 971.
Patton, Robert, 115, 144, 249, 252.
Paulding, William, 401, 453, 462.
Peabody, Nathaniel, *a delegate from New Hampshire*. *Mentioned*, 29.
Peace, treaty of. (See *Treaty of peace*.)
Peace commissioners, instructions, 607, 615, 617, 652; commissions, 655*n*.
Peck, William, 4, 39.
Pemberton, Joseph, 381.
Pendergast, William, 360.
Pendleton, Daniel, 72.
Pendleton, Nathaniel, captain, 52, 1085.
Penet & Co., 241.
Penet de Costa, frères & Co., 401, 719.
Penet, Ignatius, 30.
Penet, P., 1151*n*.
Penn, John, 223.
Penn, William, 254, 282.
Pennel, Joseph, 881, 897, 911.

Pennsylvania, line, 20, 25, 32, 41, 44, 48, 79, 80, 108, 459, 826, 1122, 1166; bank, 122; council, letters, 105, 108, 598; funds 38, 61; troops from, 947; militia, 1037; and Connecticut, dispute, 1092, 1115, 1116; credentials, 1103, 1130.
Pensacola, surrender, 854.
Pepin, Andrew, 784, 816, 874, 908, 1056.
Perceira, John Ignatius de Oliveria, 937.
Peres, Peter, 485, 487, 898, 903.
Perkins & McBreed, 685.
Perkins, Joseph, 203.
Peters, Richard, War Board, 10, 11, 20, 22, 30, 37, 49, 51, 52, 74, 75, 79, 86, 104, 106, 109, 114, 119, 128, 137, 140, 181, 182, 183, 184, 186, 197, 232, 327, 384, 451, 459, 460, 462, 488, 490, 539, 594, 643, 702, 739, 743, 744, 756, 768, 813, 815, 826, 994, 998, 1011, 1021, 1035, 1039, 1048, 1052, 1079, 1111, 1122, 1124, 1127; letters, 95, 1172, 1184*n*. *Mentioned*, 1123.
Petition to the king, 1201.
Pettit, Charles, 35, 36, 119, 120, 121, 137, 140, 141, 143, 145, 149, 158, 159, 161, 165, 262, 265, 266, 283, 284, 331, 341, 350, 360, 393, 447, 449, 474, 497, 499, 500, 581, 590, 591, 603, 641, 649, 659, 677, 757, 759, 851, 885.
Philadelphia, prison at, 197.
Phile, Charles, 245.
Phillips, Richard, 34, 122, 188, 251, 429, 788.
Pickens, Andrew, 247.
Pickering, Timothy, 120, 121, 137, 186, 233, 245, 284, 313, 337, 389, 447, 465, 469, 475, 521, 527, 550, 581, 603, 641, 642, 659, 786, 820, 831, 841, 875, 896, 958, 1068.
Pierce, John, *deputy paymaster general*, 7, 25, 30, 31, 35, 41, 45, 46, 48, 51, 55, 58, 65, 72, 90, 92, 93, 133, 134, 157, 190, 201, 203, 204, 273, 321, 331, 332, 340, 347, 352, 384, 393, 459, 474, 494, 507, 517, 519, 520, 521, 535, 581, 784, 841, 1059, 1065, 1085.
Pierres, Ph.-D., 1202.
Pike, Benjamin, 94.
Pinckney, Charles Cotesworth, 933, 1008.
Pinckney, ———, major, 1052.
Piracies and felonies, court of, 354.
Pissot, père & fils, 1202.
Pitt, Fort, 141, 173, 280, 900, 997.
Plumb, William, 981, 1012.
Pollard, Jonathan, 945.
Pollock, Oliver, 32, 118, 119, 124, 130, 142, 312, 341, 462, 491, 697, 883, 1016, 1028, 1046, 1078, 1107.
Pontcarner, ———, 486.
Portsmouth, action at, 349, 356.
Portugal, loan, 739.
Postage, rates, 191, 1066.
Postmaster General, salary, 1067.
Post office, regulations for, 820, 828, 1131; expense of, 1066.
Post riders, 22, 678.
Potter, James, 82.
Potts, Richard, *a delegate from Maryland*. Credentials, 138, 1103; attends, 629. *Committees:* Week, 668, 732, 1194; J. P. Jones, 789. *Votes*, 648, 650, 658, 663, 682, 694, 714, 726, 730, 731, 741, 742, 747, 752, 776, 778.
Powell, Josiah, 572, 1041.
President, expenses of, 252, 891, 1128; house for, 381; election, 490, 492, 1070.
Press, superintendents of, 52, 53; inspectors of, 231.
Price, James, 658.
Prielay, Charles, 942.
Prisoners, support of, 31, 147; exchange, 28, 70, 889, 973; naval, exchange of, 96; Pennsylvania, 109; Convention, the, see Convention troops; Cowpens, 300; Charleston, 458; Southern, 511; relief of, 534; British, treatment, 622; food for, 1165*n*; removal of, 623; marine, 725, 765, 829; rations for, 748; distresses of, 749*n*; relief of, 774; from South Carolina and Georgia, 808, 829, 858; retaliation, threatened, 972; at Yorktown, 1110; deserting, 1132.
Prison ships, 829.
Privateers, instructions, 348, 356, 361, 646, 1199.
Prize money, 392.

Prizes, regulations, 66; Bermudan, 270; ordnance, 314, 1199.
Proctor, Francis, 133.
Proctor, Thomas, Colonel, 74, 360.
*Protector*, State ship, 578.
Provaux, Adrian, 1162.
Provision departments, 389.
Pry, Thomas, 1185*n*.
Public debts, estimate. (See *Debt of United States.*)
Pulaski, 107, 181, 182, 277, 468, 684, 860, 909, 1062.
Purviance, Robert, 474, 489.
Purviance, Samuel, 474, 489.
Putnam, Benjamin, 945.
Quartermaster's Department, supplies for, 120, 370; deputy, 389; arrangement of, 457; destitute, 591.
Quatrifager, ———, captain, 448.
Quintella, Joaquin Pedro, 542.
Quotas of money, 258, 267, 298, 439, 501, 503, 524, 589, 599, 773, 1087, 1088, 1090; of States, 418; how apportioned, 422; of supplies, 502, 1112; of men, 1177.
Ramsay, David, 914, 921.
Ramsay, William, 179.
Randolph, Edmund, *a delegate from Virginia*. Credentials, 750, 1103; attends, 750, 1100. *Committees:* Week, 754, 1194, 1196; court of appeals, 764; quotas, 773; reports, 788; consuls, 811; Vermont, 842; French memorial, 845, 925, 986; merchants' petition, 882; confederation, 896; Howe, 907; 937; South Carolina, 911; Navy, 913; Randolph's motion, 913; Hayne, 918; South Carolina letter, 920; Kean, 922, 935; French letter, 928, 1063; French supplies, 932; J. Laurens, 934; Geddes, 944; retaliation, 973; Campbell, 1044, 1060; Barry, 1050; French affairs, 1052; Yorktown surrender, 1071; thanks to Washington, 1079; quotas, 1088; Southern States, 1108; finances, 1109*n*, 1123; supplies, 1112; Pennsylvania and Connecticut, 1115; courts of inquiry, 1125; President's house, 1128; infraction of law of nations, 1136; Navy court-martial, 1143; Washington's letter, 1151*n*; quotas of men, 1163; Larreguy, 1170; letter to States, 1174. *Votes*, 752, 776, 778, 822, 827, 854, 888, 924, 956, 983, 985, 1037, 1043, 1054, 1058, 1061, 1074, 1078, 1090, 1114, 1119, 1120, 1121, 1130, 1147, 1148, 1153, 1161, 1165, 1180. *Mentioned*, 758*n*, 764*n*, 773, 781*n*, 788, 839*n*, 863*n*, 867*n*, 868*n*, 879*n*, 883*n*, 893, 901*n*, 913, 915*n*, 926*n*, 928*n*, 936*n*, 960, 974*n*, 1013*n*, 1043, 1045, 1046, 1053*n*, 1064*n*, 1070, 1071, 1077*n*, 1082, 1082*n*, 1107, 1108*n*, 1112*n*, 1116*n*, 1123, 1126*n*, 1129, 1131*n*, 1137*n*, 1147, 1171*n*, 1185*n*.
*Ranger*, 317, 319, 320.
Ransom, Elijah, 1125.
Rathburne, John Peck, 135.
Rations, extra, 383; value of, 1013.
Ravel, John, 945.
Read, Thomas, captain, 620, 710.
Redhead, George, 492.
Reed, James, 17, 30, 47, 1092, 1167.
Reed, Joseph, president, 20, 79, 222, 628, 644, 969.
Reed, Thomas, 322.
Reed, William, 506.
Rees, David, 1166.
Reffert, Philip, 840.
Register, salary, 951.
Reid, George, 1144.
Reigert, Adam, 701, 702.
Rendon, Francisco, 1009, 1011, 1028.
Resignations, applications for, 388.
Retaliation proposed, 917, 978*n*, 1017, 1029.
Rhode Island, funds, 38, 61; letter, 142; line, 581; defense of, 729; quota of troops, 729; credentials 1101.
Richmond, Ebenezer, 812.
Rickman, William, 103, 118.
Risberg, Gustavus, 590, 602, 604.
Roberdeau, Daniel, 222, 752.
Roberts, Ann, 485, 486, 948.
Rochambeau, Jean Baptiste Donatien de Vimeur, Count de, 2, 349, 356, 446, 528, 558, 674, 932, 1071, 1080, 1081, 1145.
Rochefermoy, Mathieu Alexandre de la, 486.

Rochester, Nathaniel, 275, 329, 360.
Rodney, Cæsar, president, 160, 206, 618.
Rodney, Thomas, *a delegate from Delaware.* Credentials, 194, 1103; attends, 199. *Committees* Finances, 487; week, 668, 732, 1194. *Votes*, 205, 224, 392, 650, 658, 663, 682, 726, 730, 731, 741, 742, 747. *Mentioned*, 224, 690*n*.
Rogers, William, chaplain, 486, 487, 683, 684.
Root, Jesse, *a delegate from Connecticut.* Credentials, 1102. *Committees:* McComb, 16; staff compensation, 29; Washington, 31*n;* Pettit, 36, 262; shot and shells, 55; New York, 95; western lands, 100; finances, 146, 381; Convention prisoners, 236; Fast day, 258; quotas, 268; Army, 340; bills of credit, 351; Board of War, 359; Treasury, 509; Sullivan, 637, 818. *Votes:* 2, 3, 105, 111, 153, 154, 175, 205, 223, 267, 279, 287, 289, 290, 293, 305, 332, 333, 338, 358, 392. *Mentioned*, 18*n*, 22*n*, 24*n*, 27, 41*n*, 102*n*, 125, 146, 223, 235, 236, 257*n*, 369*n*, 389, 402, 510*n*.
Roquebenne, de, 820.
Ross, David, 571, 580, 582.
Ross, John, 16, 67, 68, 173, 201, 237, 319, 354, 436*n*, 500, 602, 675, 681, 899, 906, 1059, 1123*n*.
Roux & Co., 142, 542*n*, 969.
Rowan, John, 1109*n*.
*Royal Oak*, frigate, 492.
Rum, payment for, 88, 101, 336, 906.
Russia and Great Britain, treaty, 863.
Russia, mediation of, 560, 562, 585, 605, 616, 670, 779; mission to, 562.
Rutherford, Alexander, 150.
Rutherford, Griffith, brigadier general, 821.
Rutledge, John, governor, 492, 496, 678, 691, 705, 900, 1105.
Rutledge, Thomas, 1144.
St. Augustine, prisoners from, 748.
St. Clair, Arthur, major general, 30, 44, 108, 160, 181, 182, 348, 451, 549*n*, 813, 913, 916, 954, 955, 970, 974, 984, 1018, 1025, 1065.
St. Domingo, agent at, 855.
St. Marie, Le Vacher de, 321.
Salaries, civil, 383, 813.
Salisbury, N. C., monument, 978.
*Sally*, 1010.
Salt, for North and South Carolina, 705, 706; importation of, 873, 951; passport for, 951.
Sampson, ——— captain, 578.
Santos, Anthony Dios, 937.
Sartine, Antoine Raymond Jean Gualbert, 185, 200.
Sauter, ———, captain, 14.
Savage, Ransom, 973.
Savage, Thomas, 922, 952, 953, 959, 1008, 1017, 1023.
Savannah, prisoners from, 748.
Scammel, Alexander, 900.
*Scarborough*, 320.
Schermerhorn, Ryer, 835.
Schott, John Paul, captain, 134; 429*n*, 453, 454, 1016, 1024, 1035.
Schreiber, Jacob, 835, 844, 1041, 1042, 1078, 1111, 1131*n*, 1140.
Schuyler, Philip, 26, 94, 421, 464, 715, 758, 881, 917, 955, 1014, 1062, 1117*n*, 1142*n*.
Schweighauser, John Daniel, 590, 649, 899, 907, 996.
Scott, Charles, 712.
Scott, John Morin, 430, 456, 474. *A delegate from New York.* Credentials, 1132.
Scott, Moses, 981.
Scott, William, lieutenant colonel, 661.
Screven, James, brigadier general, 979.
Scudder, Joseph, 123, 131, 132, 522, 523.
Scudder, Nathaniel, 222.
Seagrove, J., 1045, 1078.
Seamen, French, 745.
Segur, Marquis, 731.
Selin, Anthony, 100, 134.
Sellick, Frederick, 187.
*Serapis*, frigate, 200, 320, 391, 769.
Sharpe, William, *a delegate from Pennsylvania.* Credentials, 1034, 1104; money, 250, 487, 573, 1027. *Committees:* January, 13; Skinner, 24; Western

lands, 99; Binney, 115; Geddes, 115; public debt, 125; Whipple, 135; Sartine, 185; Virginia, 194; Admiralty report, 242; debts, 402; Madison's motion, 420; Parsons, 430; Johnson and Ross, 500; week, 625, 782, 996, 1194, 1195; clothier's department, 662; Ross, 680; salaries, 733; forage, 841; prisoners, 829; clothing, 777; delegates' pay, 813; prisoners, 815; money for army, 853; Brown, 883, Heguy, 893; J. P. Jones, 942; forage, 943; St. Clair and Stark, 954; Armand, 984, 1023; Nicholas, 1131. *Votes*, 2, 3, 106, 111, 112, 153, 154, 176, 205, 224, 267, 279, 287, 288, 289, 291, 293, 306, 332, 334, 392, 503, 504, 516, 524, 529, 530, 547, 592, 593, 607, 609, 610, 612, 613, 614, 615, 618, 619, 626, 627, 648, 650, 658, 663, 682, 694, 714, 726, 730, 731, 741, 742, 747, 776, 778, 822, 827, 854, 888, 924, 956, 983, 985. *Mentioned*, 2, 87, 135*n*, 175, 200*n*, 224, 333, 353, 378, 420, 482, 504, 632*n*, 636*n*, 641*n*, 647, 648, 700, 746*n*, 777*n*, 784*n*, 815, 817, 821, 887, 923, 924, 978, 1042.

Shee, John, 6.

Sheftall, Mordecai, 451, 473.

Sheldon, Elisha, colonel, 149, 490.

Sherman, Roger, *a delegate from Connecticut*. Credentials, 596; money, 599, 1021. *Committees:* Week, 625, 1039 1194, 1195; Bingham, 645; Pettit, 649, 677; burning bills, 668, 690; Mathews's motion, 675, 915; post office, 686; depreciation, 704; Navy, 708; Morris, 714; finances, 724, 908, 946, 1069; Marine department, 724, 728; New Hampshire, 732, 826, 836; Admiralty report, 769; reports, 788; Sullivan, 826; Washington's letter, 880; old money, 884; prisoners, 889; Army promotions, 892; interest, 903; Du Coudray, 905; Howe, 907, 937; Bradford, 908; South Carolina letter, 911, 920; Board of War letter, 925, 1059; William Lee, 931, 955; Bradford, 936; ships of war, 953; Louis, 954; Silas Deane, 955; Thanksgiving, 958, 1074; Simon, 971; French memorial, 976, 986; Treasury accounts, 976; hospital department, 984; accounts, 986; Pennsylvania letter, 1012; Du Coudray, 1014; Lomagne, 1016, 1022; Trumbull and Greene, 1023; Treasury, 1039; Barry, 1050; Indians at Princeton, 1050; French affairs, 1052; Consuls, 1053; Desdevens, 1062; French letter, 1063; quotas, 1088; Navy court martial, 1143; Bingham, 1183. *Votes*, 607, 609, 610, 612, 613, 614, 618, 619, 626, 627, 647, 650, 658, 663, 681, 713, 726, 730, 731, 741, 742, 747, 752, 776, 778, 821, 822, 827, 854, 888, 924, 956, 983, 985, 1037, 1054, 1058, 1060, 1073, 1077, 1090. *Mentioned*, 222, 658, 678, 678*n*, 686, 730, 748, 752, 767*n*, 771*n*, 778, 820, 823*n*, 828, 838*n*, 853, 857, 859, 921*n*, 937*n*, 938*n*, 946, 957, 960, 976, 977*n*, 986*n*, 995, 1012, 1020, 1022*n*, 1030, 1037, 1038*n*, 1039, 1044*n*, 1046*n*, 1047, 1049, 1050*n*, 1051, 1070.

Shippen, William, Dr., 15, 544.

Shot and shells, contract, 54, 298, 312, 463.

Shubrick, Richard, thanks to, 1085.

Sigougné, de, ———, captain, 185, 198, 505, 720.

Silsbee, Nathaniel, 882, 945, 1013.

Simon, Daniel, 970, 971, 976, 977, 1017.

Simpson, Thomas, 135.

Skinner, Abraham, 24, 27, 28, 78, 93, 96, 130, 137, 273, 256, 286, 385.

Slough, Mathias, 701, 702.

Smith, Daniel, 981.

Smith, Ebenezer, 210, 213, 811.

Smith, Isaac, 719.

Smith, Jahleel, 1010, 1011.

Smith, James, 264, 458*n*.

Smith, Jonathan Bayard, 222.

Smith, Lawson, 240*n*.

Smith, Meriwether, *a delegate from Virginia*. Attends, 176. *Committees:* Binney, 187; Virginia, 194, 367, 397, 449; bills of exchange, 197; McDougall, 253; Treasury, 254; quotas, 268; d'Arendt, 353; finances, 368, 381, 487, 523, 599; bank, 545; Holker, 717; Ma-

rine department, 724; week, 930, 1194, 1195. *Votes*, 224, 267, 279, 287, 288, 289, 291, 293, 305, 332, 334, 338, 358, 503, 504, 516, 524, 529, 530, 547, 607, 609, 610, 612, 613, 614, 615, 618, 619, 626, 627, 648, 650, 658, 663, 682, 694, 714, 726, 752, 778, 827, 888, 924. *Mentioned*, 224, 259*n*, 263*n*, 269, 279*n*, 283, 305, 312, 333*n*, 378, 380, 381*n*, 432, 432*n*, 441, 445*n*, 450, 469, 471, 495, 526*n*, 555, 556*n*, 607, 609, 610, 613, 616*n*, 618, 628, 706, 707, 708*n*, 709*n*, 716*n*, 717, 908, 925.

Smith, Resolve, 7, 572, 938, 1074.

Smith, Robert, 705.

Smith, Thomas, commissioner, 5, 7, 8, 16, 25, 30, 32, 33, 34, 35, 39, 40, 49, 55, 63, 71, 73, 77, 87, 92, 93, 96, 98, 115, 120, 121, 122, 123, 130, 131, 132, 133, 134, 137, 141, 146, 149, 150, 158, 173, 179, 188, 190, 191, 201, 202, 204, 206, 224, 231, 238, 256, 257, 278, 291, 303, 307, 314, 324, 325, 336, 337, 340, 344, 345, 373, 375, 381, 388, 394, 451, 455, 466, 467, 482, 483, 492, 494, 506, 511, 512, 532, 535, 537, 543, 571, 574, 580, 589, 599, 637, 641, 642, 659, 662, 689, 696, 717, 724, 733, 788, 817, 818, 821, 825, 916, 946, 956, 957, 1049.

Smith, Thomas, *a delegate from Pennsylvania*. Credentials, 1103, 1131; attends, 109, 1099, 1130; letters, 264, 283; Treasury Board, 118, 821, 1193. *Committees:* d'Arendt's letter, 181; Brodhead, 187; Articles of Confederation, 471; Blaine, 488, 812; Quartermaster's certificates, 599; burning bills, 668, 690; week, 693, 1195; Navy, 708; boards, 708; finances, 723, 781, 946; reports, 788; Elliot, 791; prisoners in Connecticut, 884; Pennell, 911; ships of war, 953; Vermont controversy, 1032; quotas, 1088; John Clark, 1106*n;* Post office, 1131. *Votes*, 111, 112, 153, 154, 175, 205, 224, 279, 287, 289, 504, 516, 524, 529, 530, 547, 593, 607, 618, 619, 627, 648, 650, 658, 663, 681, 694, 714, 726, 730, 731, 741, 742, 747, 752, 776, 778, 854, 888, 956, 983, 1037, 1043, 1054, 1074, 1090, 1114, 1119, 1120, 1121, 1130. *Mentioned*, 523, 694, 696*n*, 733, 741, 783, 891*n*, 955, 1113, 1123.

Smith, William, 690.

Smith, ———, colonel, 573.

Snowden, Isaac, 132, 134.

Snyder, John, 517.

South Carolina, public papers, 63; troops for, 730; refugees, 782; arms for, 790*n;* delegates, pay, 814; distressed inhabitants, 852; letters of lieutenant governor and council, 911, 914, 916, 972; money, 914. Credentials, 1007, 1105; state corps, thanks, 1084; line, 1122; arms for, 1169.

Southern Department, troops for, 176, 610; supplies, 631; relief of, 1118.

Southwick, Solomon, 435.

Spain, alliance with, 551; ship for, 554; loan, 739.

Spalding, Simon, captain, 134.

Spencer, Israel, colonel, 37.

Spies, how punished, 1109.

Spotswood, Alexander, colonel, 892, 912.

Sprague, John, 1092, 1167.

Springfield, affairs at, 14, 104.

Springfield, N. J., burning of, 1017.

Sproat, James, 1149.

*Spy*, schooner, 357, 684, 744.

Stark, John, brigadier general, 841, 954, 970, 984, 1019, 1185.

Stark, Robert, 1040, 1041.

Steel, Archibald, colonel, 393.

Stephen, Adam, 712.

Sterrett, Samuel, 1103.

Steuben, Frederick Wilhelm Augustus, Baron von, 739; letters, 70, 74, 242*n*, 483, 722.

Stevens, Ebenezer, lieutenant colonel, 195.

Stevens, John, 777, 1102.

Stevens, Robert, 93.

Stewart, Charles, 345, 346, 435.

Stewart, David, 489.

Stewart, J., 382.

Stewart, Walter, colonel, 41, 80.

Stirk, Samuel, *a delegate from North Carolina*. Credentials, 1015, 1106. *Mentioned:* 1021.

Stirling, William Alexander, Lord, 1109*n*.

Stockdale, J., 1201, 1202.

Stodder, David, 312.
Stoddert, Benjamin, 128, 146, 158, 224, 239.
Stone, William, 916, 956, 957.
Story, John, 757, 759, 773, 785, 823, 831, 873.
Story, William, 485, 487.
Stowell, ———, 1025.
Stroop, Henry, lieutenant, 33.
Sturges, Jonathan, 6.
Sullivan, John, *a delegate from New Hampshire*. Credentials, 498, 1100; money, 250, 431, 761, 843; letters, 53, 431, 818, 822. *Committees:* Washington, 1, 133, 782; Pennsylvania line, 20; Skinner, 24; German regiment, 72; Armand, 78; Atlee, 86; Hodgdon, 90; New York, 95, 311, 339; Western lands, 100; Patton, 115; McDougall, 121; Harrison, 142; finances, 146, 523, 533; Forrest, 160; Sartine, 185; iron masters, 190; quotas, 268; Army, 340; Virginia, 367, 397; Board of War, 376, 461, 754; Maryland, 446, 515; Hazen, 427, 590, 668; Articles of Confederation, 471; finances, 487, 688, 732, 739; Virginia and Washington, 499; week, 500, 1193; Treasury, 509; Gates, 515, 521; prisoners, 534; Army promotions, 539; bank, 545; supplies, 556; bills of credit, 578; letter to States, 585; Campbell, 643; courts-martial, 656; clothier's department, 662; Varnum's motion, 668; Campbell, 679; gun ship, 692; agent at Habana, 698; Rhode Island letter, 715, 729; consul's commission, 735; d'Arendt, 740; Parsons, 750; French letter, 769, 778, 876; clothing, 777; Story, 785; *Votes*, 2, 3, 105, 111, 153, 154, 175, 223, 267, 279, 289, 290, 293, 305, 332, 392, 503, 504, 516, 524, 529, 530, 547, 592, 593, 607, 609, 610, 612, 613, 614, 618, 619, 626, 627, 647, 658, 663, 681, 694, 713, 726, 730, 731, 741, 742, 752, 776, 778, 821, 822, 854. *Mentioned*, 1, 3, 28*n*, 31*n*, 84*n*, 93*n*, 97*n*, 107, 131, 134, 178*n*, 223, 225*n*, 229, 240*n*, 244*n*, 246, 278*n*, 340, 348, 386, 387*n*, 398, 398*n*, 475, 484*n*, 487, 531, 542*n*, 548*n*, 589*n*, 632, 636, 639, 657*n*, 667*n*, 669, 669*n*, 680*n*, 705, 725, 729*n*, 741, 741*n*, 742*n*, 820*n*, 821, 828*n*, 831, 841.
Summers, Peter, 641.
Sumter, Thomas, brigadier general, 56, 57.
Sunsbury, Georgia, monument, 978.
Supplies, for 1781, 58; magazines for, 528; impressment of, 555.
Surrender at Yorktown, 1071, 1082*n*, 1099.
Swan, John, captain, 1047.
Swartz, Godfried, 753.
Symsbury mines, prison act, 974.
Taggart, John, 23, 140.
Tarleton, Banastre, 56, 129, 246.
Taxes, collection of, 59, 394; arrearages of, 234.
Telfair, Edward, *a delegate from Georgia*. Credentials, 1015, 1105; attends, 966, 1015, 1100. *Committees:* Week, 969, 1195; Bowen, 969; Bingham, 1007; Clarke, 1016; Heguy, 1042; John Clark, 1073; quotas, 1088. *Votes:* 1043, 1054, 1058, 1061, 1074, 1078, 1090, 1114, 1119, 1120, 1121, 1130, 1148, 1153, 1161, 1165, 1181. *Mentioned*, 223, 978.
Ternant, Jean Baptiste, 76, 77, 677.
Thanksgiving, 957, 1071, 1074.
Thomas, Hannah, 758, 768.
Thompson, E., 499, 1101.
Thompson, John, 235.
Thompson, William, brigadier general, 274, 346, 508, 898, 903, 1026.
Thomson, Charles, *mentioned*, 17*n*, 42*n*, 48, 61, 78*n*, 101*n*, 103*n*, 113*n*, 128*n*, 162*n*, 166*n*, 192*n*, 210, 210*n*, 213, 224, 229, 231, 255, 341, 356*n*, 373, 459*n*, 478*n*, 482*n*, 491*n*, 510*n*, 522*n*, 541*n*, 604*n*, 639, 652, 654*n*, 711*n*, 725*n*, 735*n*, 880, 880*n*, 901, 920*n*, 941, 951*n*, 965*n*, 1064, 1070, 1116, 1116*n*, 1146, 1175*n*, 1179*n*, 1180*n*, 1200.
Thomson, Peter, 132, 134.
Thorne, William, 649.
Throop, Josiah, 357.
Tilghman, Tench, lieutenant colonel, 244, 541, 1072, 1082.

Tillotson, Thomas, 276.
Tilton, James, 718.
Timothy, Peter, 1007.
Tobacco, public, 202.
Todd, John, jr., 632.
Tonnage dues, 136*n*.
Torrey, Joseph, major, 508.
Townes, John, 591, 858.
Traversie, John, captain, 32.
Traversier, Joseph, 1072, 1079.
Treasurer, salary, 951.
Treasury, Board of, complaints, 53, 509; postage, 939.
Treasury office, regulations, 947; papers, 1039; treaty of peace, 607, 1201, 1203; commissioners, 648; instructions, 625, 651, 713.
Trent, William, 534, 696, 704, 781, 784, 1057.
*Trumbull*, frigate, 607, 633, 740, 899, 911, 1036.
Trumbull, Jonathan, governor, 99, 233, 262, 266, 353, 401, 452, 637, 684, 978, 1023.
Trumbull, Jonathan, jr., 693.
Trumbull, Joseph, 36, 401, 453, 693.
Truxtun, Thomas, captain, 14.
Tucker, Samuel, 135.
Tucker, Thomas Tudor, 981.
Tudor, George, 323, 391.
Tupper, Benjamin, colonel, 520, 521.
Turnbull, William & Co., 910.
Turner, George, 131, 910, 947, 1057.
*Tyler, Thomas Edward*, ship, 754.
Uerktritz, Baron d', 198, 199, 678, 679, 691.
Uhtrick, Baron d'. (See *Uerktritz.*)
Uniform, Army, 206.
United Provinces. (See *Holland.*)
Valette, Louis de la, 942, 971.
Vance, John, 1069.
Van Courtlandt, Pierre, 225, 1132.
Vandalia land company, 1077, 1098, 1113.
Van Dyke, Nicholas, *a delegate from New Jersey*. Credentials, 194, 1103; attends, 289, 790. *Committees:* Board of War, 332; privateers, 348, 360; officers' pay, 396; Pennsylvania, 469; Articles of Confederation, 471; Sullivan's motion, 475; Army pay, 493; land cessions, 704*n*; Elliot, 791; consuls, 811, 1053; week, 813, 1194; New Hampshire, 818; Sullivan, 819, 826; Vermont, 842; French memorial, 845, 925; merchants' petition, 882. *Votes*, 291, 293, 305, 332, 334, 338, 358, 822, 827, 854, 888. *Mentioned*, 133.
Van Rensselaer, P, 536.
Van Schaick, Goose, colonel, 712, 921, 922, 930, 932.
Varnum, James Mitchell, *a delegate from Rhode Island*. Credentials, 768, 1101; attends, 1099. *Committees:* Washington, 1; executive departments, 31; Blaine, 46; Bowen, 53; shot and shells, 55; Armand, 78; Patton, 115; Greene, 129; Harrison, 185; Witherspoon, 186; Brodhead, 187; Binney, 187; Army pay, 203; Articles of Confederation, 236, 471; Stoddert, 239; Maryland, 241; Admiralty report, 242; McDougall, 253; Skinner, 257; quotas, 268; Convention troops, 274; Wright, 328; Board of War, 332, 461, 754, 925; Oliphant, 335; Army, 340; John Paul Jones, 386, 390, 572; privateers, 348, 360; finances, 368, 724, 817; Court of Appeals, 375; officers' pay, 396; Madison's motion, 420; Hay's memorial, 464; week, 483, 693, 1193, 1194, 1195; Virginia and Washington, 499; Gates, 515, 521; Howell, 523; Army promotions, 539, 892; Army accounts, 549; Bland's motions, 574; Court of Appeals, 599; Yznardy, 602, 686; Varnum's motion, 668; Mathews's motion, 678; post office, 686; captures by land, 690; Morris, 714; New York letter, 722; New Hampshire, 732; Marbois, 738; D'Arendt, 740; French memorial, 745; intercepted letter, 751; French letter, 769, 778, 858, 876; quotas, 773, 1087, 1088; Storey, 785; Washington's letter, 832, 880; New York letters, 835; New Hampshire letter, 836; forage, 841, 943; merchants' memorial, 855; Moultrie, 881, 1026; Jay, 884; prisoners, 889;

Spotswood, 892; confederation, 896; Navy, 913,919; St. Clair, 916; Hayne, 918; 926, 1055; Van Schaick and Du Buysson, 922; Savage, 922; southern department, 930; Du Buysson, 931; Geddes, 944; Morton, 945; additional troops, 947; thanksgiving, 958, 1074; Pennsylvania letter, 969; Greene, 970, 1059, 1083; retaliation, 972, 973, 978; conference with Pennsylvania, 1018; Georgia letters, 1021; Vermont controversy, 1032; Campbell, 1044, 1060; Walton, 1044; Indians, 1055; War Department, 1070; Yorktown surrender, 1071; thanks to Washington, 1079; Indian treaty, 1088; Southern States, 1108; Washington's letter, 1111*n*; Knox, 1120. *Votes:* 2, 3, 153, 154, 175, 205, 223, 287, 293, 332, 338, 503, 504, 516, 529, 530, 547, 592, 593, 607, 609, 610, 612, 613, 614, 618, 619, 626, 627, 647, 650, 658, 663, 681, 713, 726, 730, 731, 741, 742, 747, 752, 776, 778, 821, 822, 827, 854, 924, 956, 983, 985, 1037, 1043, 1054, 1058, 1060, 1090, 1114, 1118, 1120, 1121. *Mentioned,* 2, 3, 4*n*, 48, 60*n*, 65, 156, 175, 185, 223, 225, 226*n*, 236, 236*n*, 364*n*, 368, 381*n*, 383, 386, 386*n*, 397*n*, 433, 475, 521*n*, 533*n*, 549*n*, 570, 582, 583*n*, 588, 593*n*, 624, 628, 668, 681, 701*n*, 711*n*, 730, 746*n*, 748, 752, 764*n*, 773, 776, 778, 786*n*, 790*n*, 791, 791*n*, 820, 822, 828, 857, 859*n*, 896*n*, 897*n*, 906, 912, 912*n*, 914, 915, 918, 930, 943, 944*n*, 946, 952*n*, 953, 953*n*, 960*n*, 972*n*, 977, 983, 995, 1018, 1018*n*, 1023, 1030, 1037, 1049, 1050*n*, 1051, 1054, 1059, 1059*n*, 1060, 1060*n*, 1065, 1066*n*, 1085*n*, 1088*n*, 1092, 1110, 1113, 1114, 1117, 1119, 1121, 1121*n*, 1123*n*, 1126.

Vauguyon, Duke de la, 993.

Veilon, James, 260.

Verac, Marquis de, 780, 991.

Verdie (or Verdier), Baptiste, 873.

Vergennes, Charles Gravier, Comte de, 41, 558, 562, 674, 986, 988, 990, 993, 1140.

Vermont controversy, 770, 771, 771*n*, 824, 825, 829, 831, 831*n*, 860, 870, 875, 882, 886, 887, 892, 1032; progress of, 837, 1160; admission of State, 838, 842.

*Vestal,* British frigate, 62.

Vickers, Samuel, 981.

*Vigilant,* brigantine, 260.

Virginia, funds, 38; land cessions, 704, 784, 1077, 1098, 1113; agrees to impost, 750; brigade, thanks, 1084; credentials, 1103.

Wabash land company, 253, 704, 784, 1032, 1057, 1077, 1098, 1113.

Wales, Eleazer, 402.

Walker, J., 1201.

Waller, Benjamin, 971.

Walton, George, *a delegate from Georgia.* Money, 5, 231, 344, 466, 817, 1050; Treasury board, 65, 117, 1193. *Committees:* Campbell, 63; western lands, 100; d'Arendt, 181; Articles of Confederation, 186; Wright, 328; prisoners at Charleston, 458; Moultrie, 468; finances, 599; Mathews's motion, 675; week, 715, 946, 1194, 1195; independence celebration, 716; Melven, 753; Army pay, 892; Muscoe Livingston, 893; Heguy, 893; Savage, 922; southern department, 930; Morton, 945. *Votes,* 2, 3, 106, 112, 153, 154, 176, 205, 224, 279, 287, 288, 289, 334, 338, 358, 524, 547, 607, 609, 610, 612, 613, 614, 615, 618, 619, 626, 627, 648, 650, 663, 682, 694, 714, 726, 747, 752, 776, 778, 822, 827, 854, 888, 924, 956, 983, 985. *Mentioned,* 56, 92, 104, 117, 192*n*, 196*n*, 223, 224, 229*n*, 302, 462, 570, 623*n*, 752, 761, 908, 909*n*, 912, 917, 922*n*, 960*n*, 978, 984*n*, 1042, 1044, 1050.

War Department, money, 1070.

War, Board of, letters, 1; salaries, 186; paymaster of, 760.

War, Secretary at, 126, 133, 206, 1030.

Ward, Artemas, *a delegate from Massachusetts.* Credentials, 4, 628; War Board, 11, 20, 22, 49, 51, 62, 143. *Committees:* Greene, 16; Hodgdon, 90; Franklin, 187, 475; quartermaster's stores, 262;

commissary, 390; Board of War, 461; Hazen, 427, 590, 668; Hay's memorial, 464; Articles of Confederation, 471; Diriks and Painter, 487; week, 1194. *Votes*, 2, 3, 105, 153, 154, 175, 205, 223, 267, 279, 287, 289, 290, 293, 305, 332, 333, 338, 392, 503, 504, 516, 524, 529, 530, 547, 592, 593, 607, 609, 610, 612, 613, 614, 618, 619, 626, 627, 647. *Mentioned*, 100, 104, 223, 232, 257, 428*n*, 492*n*, 503, 614, 638.
Ward, Henry, 769, 1101.
Ward, Joseph, 1113*n*.
Warley, Felix, 641, 659, 660, 661.
Warren, James, 98.
Washington, George, *Letters*, 1, 30, 31*n*, 33, 38, 52, 57, 75, 94, 104, 114, 132, 160, 180, 194, 224, 230, 242, 246, 275, 311, 338, 347, 353, 367, 374, 389, 396, 398, 434, 436, 446, 463, 482, 488, 491, 497, 499, 505, 511, 519, 527, 585, 650, 656, 693, 714, 715, 737, 749*n*, 777, 782, 787, 828, 832, 845, 875, 880, 886, 893, 910, 913, 927, 930, 939, 970, 1008, 1016, 1026, 1028, 1047, 1055, 1068, 1071, 1072, 1073, 1078, 1080, 1099, 1106, 1108, 1111*n*, 1120, 1123, 1130, 1131, 1131*n*,1151*n*, 1162*n*, 1184, 1185*n*. *Mentioned*, 9, 55, 68, 82, 143, 1081, 1118, 1131, 1142, 1143; thanks to, 1071, 1080.
Washington, William, lieutenant colonel, 247.
Waters, Samuel, 260.
Waters, William, 787, 788.
Wayne, Anthony, brigadier general, 41, 79, 80, 82, 83, 275, 516.
Weare, Meshech, president, 116, 194, 434, 482, 732, 787, 812, 818, 823, 836, 1179*n*, 1184*n*.
Weaver, John David, 636, 656, 683, 898, 903.
Webb, George, 431.
Webb, Samuel, 1033.
Wederstrandt, ———, 179, 180.
Weed, Elijah, 133, 197, 382, 461, 464.
Weedon, William, 712.
Weibert (See *Wuibert*.)
Wemyss, Francis, major, 56.
Wentworth, John, jr., 222.
Wereat, John, 767, 820, 981, 1035, 1050, 1059, 1061.
West, Edward, 90*n*.
West, William, jr., 40.
Wharton, James, 649, 708, 811.
Wharton, John, 25, 46, 47.
Wharton, Samuel, 264, 318.
Wheaton, Joseph, 1011.
Wheeler, Benjamin, 696.
Wheeler, Bennett, 1200.
Wheelock, John, 1169*n*.
Whipple, Abraham, 135, 710.
Whipple, William, 499, 1101.
White, Charles, 140.
White, John, colonel, 328, 981.
Wiley, Robert, captain, 330.
Wilkinson, James, clothier, general, 173, 290, 307, 313, 374, 662.
Will, Philip, 154*n*.
Will, William, 154*n*.
Williams, John, 223.
Williams, Jonathan, 318, 604, 693, 977, 1061.
Williams, Otho H., sword for, 1085.
Williams, William, 264, 456.
Williamson, John, captain, 29, 154*n*.
Willing, James, 697, 791, 1079.
Willing, Thomas, 1188.
Wilson, Goodwin, 980.
Wilson, James, 253, 1057, 1188.
Winthrop, James, 696, 735.
Winthrop, William, 696, 735, 883.
Wirts, Christian, 696, 701, 702, 893, 910.
Witherspoon, D., letters, 185.
Witherspoon, John, *a delegate from New Jersey*. Credentials, 777; money, 842, 1047, 1021. *Committees:* January, 13; McComb, 16; Pennsylvania line, 20; Bible, 91; Western lands, 100; Pennsylvania, 105; Oliphant, 335; Sullivan's motion, 475; hospitals, 475; finances, 487, 523; 533, 599, 769, 778, 876; Washington, 499*n*, 502; bank, 545; week, 550, 1069, 1195; French memorial, 562; letter to States, 585; Randolph's motion, 913; Mathews's motion, 915; thanksgiving, 958, 1074; infraction of law of nations,

1136. *Votes*, 105, 111, 205, 224, 332, 334, 338, 358, 503, 504, 524, 547, 607, 609, 610, 612, 613, 614, 618, 619, 626, 627, 650, 694, 713, 776, 778, 956, 1077. *Mentioned*, 74, 83*n*, 110, 222, 224, 228*n*, 233, 490, 502*n*, 549, 606, 607*n*, 608, 609*n*, 611, 614, 615, 618*n*, 628, 704*n*, 783, 957, 973, 1050, 1071, 1076*n*.
Woelpper, John David, 1149.
Wolcott, Oliver, *a delegate from Connecticut*. Credentials, 1102; attends, 1117; Treasury Board, 117, 118. *Committees:* Pennsylvania letter, 105; Public debt, 125; Whipple's memorial, 135; impost, 262; Blaine's letter, 277; Morris's letter, 291, 432; Massachusetts letter, 311, 421; finances, 381; Debts, 402; week, 1195, 1196. *Votes*, 2, 3, 105, 111, 153, 154, 175, 205, 223, 267, 279, 287, 289, 290, 305, 358, 1118, 1120, 1121, 1130, 1147, 1148, 1153, 1161, 1165, 1180. *Mentioned*, 108, 117, 222, 223, 236*n*, 376, 378*n*, 389, 431, 438, 471.
Wood, James, colonel, 258, 289, 306, 307, 598.
Wood, Thomas, 1044.
Woodford, William, brigadier general, 601, 712.
Woodson, Tarleton, 677, 705.
Woodward, Bezaleel, 860, 875, 882, 886.
Woolford, T., 1164.
Worsham, Richard, 591.
Worthington, ———, colonel, 1102.
Wright, George, 92.
Wright, Sir James, 328.
Wright, Turbott, *a delegate from Maryland*. Credentials, 1151, 1152.
Wuibert, Antoine Felix, 1109*n*, 1115.
Wyllis, John Plasgrave, major, 513.
Wyllys, George, 597, 1102.
Wynkoop, Henry, *a delegate from Pennsylvania*. Credentials, 1103, 1131; attends, 1142. *Committees:* Prisoners, 196; week, 1196. *Votes*, 105, 111, 112, 153, 154, 205, 224, 267, 332, 334, 358, 1147, 1148, 1153, 1161, 1165, 1180. *Mentioned*, 136*n*, 158, 224.
Yates, Abraham, 5, 6, 337.
Yates, Donaldson, 447.
Yates, Thomas, 499.
Yorktown, monument at, 1081, 1107; surrender. (See *Surrender at Yorktown.*)
Young, Charles, 9, 631.
Young, John, 233.
Young, Joseph, 899, 980.
Yznardy, Lorenzo, 602, 683, 686, 933.

○