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FRIDAY, APRIL 23, 1779

Mr. [John] Dickinson, a delegate for Delaware, attended, and took his seat in Congress.

A letter, of this day, from T. Paine was read, enclosing a paper which he informs is part of an original letter sent to him about a month ago.

A letter from Leonard Albouy has read,[1] soliciting an answer to the memorial from the inhabitants of Bermudas, on which the committee to whom the memorial was referred, report as follows:

"That they have examined the said memorial, and conversed with Captain Albouy, the bearer thereof:

"That it appears to your committee that the inhabitants of Bermuda are in deep distress for want of provisions: that the *Virginia* and *Galatea* ships of war are stationed at Bermuda: that it is garrisoned by British soldiers; and that it is not altogether certain that any provisions Captain Albouy may be permitted to export will go to the relief of the Bermudians; therefore the committee are of opinion,

"That so long as Bermuda shall continue to be guarded by British ships and garrisoned by British soldiers, how powerfully soever humanity may plead in their behalf, and the disposition of Congress incline them to relieve the distresses of Bermuda, yet sound policy and the duty they owe to their constituents, will constrain them to refuse a compliance with the request of the memorialists."[2]

On the question to agree with the report of the committee, the yeas and nays being required by Mr. [John] Jay,

[1] The letter of Paine is in the *Papers of the Continental Congress*, No. 55, folio 55; that of Albouy is in No. 78, I, folio 241.

[2] This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 25, I, folio 145. Thomson has recorded upon it the vote.

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Lovell,	no	
Rhode Island,		
Mr. Ellery,	ay	ay
Collins,	ay	
Connecticut,		
Mr. Spencer,	ay	*
New York,		
Mr. Jay,	no	ay
Duane,	ay	
G. Morris,	ay	
Lewis,	ay	
New Jersey,		
Mr. Fell,	ay	*
Pennsylvania,		
Mr. Armstrong,	no	no
Atlee,	no	
Searle,	no	
Muhlenberg,	no	
Wynkoop,	no	
Delaware,		
Mr. Dickinson,	no	no
Maryland,		
Mr. Plater,	no	no
Paca,	no	
Carmichael,	no	
Henry,	ay	
Virginia,		
Mr. T. Adams,	no	no
M. Smith,	no	
R. H. Lee,	no	
North Carolina,		
Mr. Penn,	ay	ay
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	

So the states were equally divided.

Ordered, That the report, with the memorial, be recommitted.

A letter, of this day, from Colonel F. Johnson was read, inclosing sundry accounts:

Ordered, That the same be referred to the Board of Treasury.

Ordered, That the consideration of the reports of the Board of Treasury and Board of War be postponed.

The committee, to whom was referred the letter of 22, from General Greene, quarter master general, brought in a report; Whereupon,

Your Committee, to whom was referred the letter of General Greene, of the 22d of April, 1779, beg leave to report:

That they have held a conference with Major General Greene, who informed the Committee that his Department is considerably in debt, and that the orders he has received from the Commander in Chief cannot possibly be complied with in the time specified for that purpose, unless he can receive very considerable supplies of money.

That General Greene also laid before your Committee letters and estimates relative to the number of Waggoners to be employed, and the mode of obtaining them, to which they pray that reference may be had, and whereon they submit the following resolution:

Resolved, That the quarter master general be empowered and directed to employ so many waggoners as shall be necessary for the use of the army, upon the best terms on which they can be obtained, provided such terms are approved by the Commander in Chief.

That General Greene further informed your Committee, that unless an answer can be had to his former requests touching the assistant and deputies in his Department they will not continue in the service, wherefore your Committee submit the following order:

Ordered, That the Board of War make report with all convenient speed upon the letter of the from the Quartermaster General.

That the General further informed your Committee that the jealousies and suspicions which have prevailed with respect to the mode of paying for the services rendered in his Department; the very considerable tho' unavoidable expenditures, and the obloquy to which he finds himself exposed thereby, lay him under a necessity of resigning his office of Quartermaster General unless it can be held consistent with his reputation; wherefore he prays that Congress will take his Department into their early consideration, Your Committee thereupon submit the following order:

Ordered that the arrangement and salaries of the Quartermaster General's Department be taken into consideration on next.[1]

A report from the Board of War on the salaries of officers in the department of the quarter master general was taken into consideration; after debate,

[1] This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 19, II, folio 439.

Ordered, That the same be referred to the committee appointed to superintend the quarter master and commissary's department, and that they be directed to confer with the quarter master general, fill up the blanks and report to morrow morning.

Congress resumed the consideration of the resolution moved by the delegates of Rhode Island, and in lieu of the amendment moved by Mr. [Gouverneur] Morris and Mr. [James] Duane, viz. "upon condition that no farther or other wages be allowed to the said men by the said State, than what is paid to other the continental troops:"

A substitute was moved by Mr. [Thomas] Burke, and seconded by Mr. [William] Whipple, in the words following:

Provided, that the said State shall not augment the pay of the officers and soldiers of the said brigade, beyond the pay allowed to officers and soldiers in the continental army.

On the question to adopt the substitute in lieu of the amendment, the yeas and nays being required by Mr. [Gouverneur] Morris,

New Hampshire,			*Delaware,*		
Mr. Whipple,	ay	ay	Mr. Dickinson,	no	no
Massachusetts Bay,			*Maryland,*		
Mr. S. Adams,	ay	ay	Mr. Plater,	no	no
Lovell,	ay		Paca,	ay	
Holten,	ay		Henry,	no	
Rhode Island,			*Virginia,*		
Mr. Ellery,	ay	ay	Mr. T. Adams,	no	no
Collins,	ay		Smith,	no	
Connecticut,			R. H. Lee,	ay	
Mr. Spencer,	ay	*	*North Carolina,*		
New York,			Mr. Burke,	ay	div.
Mr. Jay,	no	no	Sharpe,	no	
Morris,	no		*South Carolina,*		
Pennsylvania,			Mr. Laurens,	ay	ay
Mr. Armstrong,	no	no	Drayton,	ay	
Atlee,	no				
Muhlenberg,	no				
Wynkoop,	ay				

So it passed in the negative.

A motion was made by Mr. [Gouverneur] Morris, and seconded by Mr. [Meriwether] Smith, to amend the amendment, by inserting after "State," these words, "whether by the name of pay, wages or subsistence, or in any other manner."

On which the yeas and nays being required by Mr. [Gouverneur] Morris,

New Hampshire,			*Delaware,*		
Mr. Whipple,	no	no	Mr. Dickinson,	ay	ay
Massachusetts Bay,			*Maryland,*		
Mr. S. Adams,	no		Mr. Plater,	ay	
Lovell,	no	no	Paca,	no	ay
Holten,	no		Henry,	ay	
Rhode Island,			*Virginia,*		
Mr. Ellery,	no		Mr. T. Adams,	no	
Collins,	no	no	M. Smith,	ay	no
Connecticut,			R. H. Lee,	no	
Mr. Spencer,	no	*	*North Carolina,*		
New York,			Mr. Burke,	no	
Mr. Jay,	ay		Sharpe,	no	no
Morris,	ay	ay	*South Carolina,*		
Pennsylvania,			Mr. Laurens,	no	
Mr. Armstrong,	ay		Drayton,	no	no
Atlee,	ay				
Muhlenberg,	no	div.			
Wynkoop,	no				

So it passed in the negative.

On the question to agree to the amendment, the yeas and nays being required by Mr. [Gouverneur] Morris,

New Hampshire,			*Connecticut,*		
Mr. Whipple,	no	no	Mr. Spencer,	no	*
Massachusetts Bay,			*New York,*		
Mr. S. Adams,	no		Mr. Jay,	ay	
Lovell,	no	no	Morris,	ay	ay
Holten,	no				
Rhode Island,					
Mr. Ellery,	no				
Collins,	no	no			

Pennsylvania,			*Virginia,*		
Mr. Armstrong,	ay		Mr. T. Adams,	ay	
Atlee,	ay	div.	Smith,	ay	ay
Muhlenberg,	no		R. H. Lee,	no	
Wynkoop,	no		*North Carolina,*		
Delaware,			Mr. Burke,	no	
Mr. Dickinson,	ay	ay	Sharpe,	no	no
Maryland,			*South Carolina,*		
Mr. Plater,	ay		Mr. Laurens,	ay	
Paca,	ay	ay	Drayton,	ay	ay
Henry,	ay				

So it was resolved in the affirmative.

A motion was made by Mr. [Gouverneur] Morris, seconded by Mr. [Meriwether] Smith, to add "and provided that the continental battalions of the said State be first compleated."

On which the yeas and nays being required by Mr. [Gouverneur] Morris,

New Hampshire,			*Delaware,*		
Mr. Whipple,	no	no	Mr. Dickinson,	no	no
Massachusetts Bay,			*Maryland,*		
Mr. S. Adams,	no		Mr. Plater,	ay	
Lovell,	no	no	Paca,	no	ay
Holten,	no		Henry,	ay	
Rhode Island,			*Virginia,*		
Mr. Ellery,	no		Mr. T. Adams,	no	
Collins,	no	no	Smith,	ay	no
Connecticut,			R. H. Lee,	no	
Mr. Spencer,	no	*	*North Carolina,*		
New York,			Mr. Penn,	ay	
Mr. Jay,	ay		Burke,	no	no
Morris,	ay	ay	Sharpe,	no	
Pennsylvania,			*South Carolina,*		
Mr. Armstrong,	ay		Mr. Laurens,	no	
Shippen,	no		Drayton,	ay	div.
Muhlenberg,	no	no			
Wynkoop,	no				

So it passed in the negative.

Adjourned to 10 o Clock to Morrow.

SATURDAY, APRIL 24, 1779

A letter, of 7, from John Irwin, deputy commissary general of issues at Fort Pitt was read, inclosing an account:

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

A letter, of 20, from John Lawrance, judge advocate general, was read:

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

A memorial from Samuel Carruthers was read:

Ordered, To lie on the table.

A memorial from Gideon Olmstead, Artemas White, and Aquila Ramsdale, claimants of the sloop *Active*, was read;[1] Whereupon,

Congress resumed the consideration of the report of the committee appointed to confer with a committee of the general assembly of Pensylvania, relative to the sloop *Active*. After debate,

A motion was made by Mr. [Thomas] Burke, seconded by Mr. R[ichard] H[enry] Lee, that the farther consideration thereof be postponed. To which, it was moved by Mr. [James] Searle, seconded by Mr. [Thomas] Burke, to add until the 15 September next.

Question put on the amendment:

Passed in the affirmative.

On the question to agree to the motion as amended, the yeas and nays being required by Mr. [John] Jay,

New Hampshire,			*Rhode Island*,		
Mr. Whipple,	ay	ay	Mr. Ellery,	ay	ay
Massachusetts Bay,			Collins,	ay	
Mr. S. Adams,	ay	ay	*Connecticut*,		
Gerry,	ay		Mr. Spencer,	ay	*
Lovell,	ay				
Holten,	ay				

[1] Lawrance's letter is in the *Papers of the Continental Congress*, No. 78, XIV, folio 26; the memorial of Carruthers, in No. 43, folio 59; and the memorial of Olmstead, dated April 9, in No. 41, VII, folio 251.

New York,			*Maryland,*		
Mr. Jay,	no	div.	Mr. Plater,	ay	ay
Duane,	no		Paca,	ay	
Floyd,	ay		Carmichael,	ay	
Lewis,	ay		Henry,	ay	
New Jersey,			*Virginia,*		
Mr. Fell,	ay	*	Mr. T. Adams,	ay	ay
Pennsylvania,			Smith,	no	
Mr. Armstrong,	ay	ay	R. H. Lee,	ay	
Shippen,	ay		*North Carolina,*		
Atlee,	ay		Mr. Penn,	no	no
Searle,	ay		Burke,	ay	
Muhlenberg,	ay		Sharpe,	no	
Wyncoop,	ay		*South Carolina,*		
			Mr. Laurens,	no	div.
			Drayton,	ay	

So it was resolved in the affirmative.

A memorial from the hon[ble] Sr Gérard, minister plenipotentiary of France, with a paper enclosed relative to two Spanish vessels captured by an American privateer and carried into the State of Massachusetts bay;

Also a letter from Mr. Holker, relative to a suit commenced by Messrs. de la Neuville et la Nos against Captain Douglass, commander of the privateer schooner, *The Hunter,* were read:

Ordered, That they be referred to the Committee on Appeals, and that the Committee be instructed to prepare a system of regulations for marine jurisdiction.

The Committee on Appeals to whom was referred the Memorial of the 24[th] of April last from the Minister of France, upon the representation of Don Juan De Miralles respecting two Spanish ships captured by two American Privateers, and carried into Newberry and Beverley in Massachusetts Bay; and also the Memorial and papers thereunto annexed from Joseph De Llano and Joachin Luca, Masters of the said two Spanish ships, report:

That by the law of Massachusetts Bay, appeals from their maritime courts to Congress are allowed only in cases, in which vessels in the

service of the United States are concerned, and that all other maritime causes arising within the said State, are finally to be determined in a Court of Appeal in the State.

That the cases of the said two Spanish ships are not triable on appeal before Congress, but are now pending in the proper court for trial thereof in the State of Massachusetts Bay, according to the law of that state, and the Congress cannot interfere in its administration of justice in the premises.

That it is of the highest importance to the welfare and interests of these United States, that there be an uniform and equal administration of maritime law within the said states, and therefore the Committee on Appeals submit to the consideration of Congress, the following resolution:

Whereas, on the sixth of March last it was resolved, that Congress is by these United States invested with the Supreme Sovereign Power of War and Peace: that the Power of executing the Law of Nations is essential to the Sovereign Supreme Power of War and Peace: that the legality of all captures, on the high seas must be determined by the Law of Nations: that the authority ultimately and finally to decide on all matters and questions touching the law of nations does reside and is vested in the Sovereign Supreme Power of War and Peace: that a controul by appeal is necessary in order to compel a just and uniform execution of the Law of Nations: that the said controul must extend as well over the decisions of Juries as Judges in Courts for determining the legality of captures on the seas, otherwise the Juries would be possessed of the ultimate Supreme Power of executing the law of nations in all cases of captures, and might at any time exercise the same in such manner, as to prevent a possibility of being controuled, a construction which involves many inconveniencies and absurdities, destroys an essential part of the power of war and peace intrusted to Congress, and would disable the Congress of the United States from giving satisfaction to foreign Nations complaining of a violation of neutralities, of treaties, or other breaches of the law of nations, and would enable a Jury in any one State, to involve the United States in hostilities, a construction, which for these and many other reasons is inadmissible: And whereas in the Articles of Confederation heretofore laid before the several United States, provision is made for a proper administration of law in cases of capture on the high seas, but by reason that only twelve of the said United States, have ratified the said articles, the said provision

remains without effect: And, whereas it is absolutely necessary, as well for the tranquility of the citizens of the several states, as for the satisfaction of Foreign Powers, that the said provision should be without delay carried into full effect; Wherefore,

Resolved, That it be recommended to each of the United States, that a law be enacted vesting in the Congress of the United States the powers specified in the said provision; to wit, That "the United States in Congress assembled shall have the sole and exclusive right and power of establishing rules for deciding in all cases what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated, appointing Courts for the Trial of Piracies and Felonies committed on the high seas and establishing Courts for receiving and determining finally appeals in all cases of captures; Provided, that no Member of Congress shall be appointed a Judge of any of the said Courts." [1]

The Board of War to whom was referred the petition of Colonel Van Cortlandt and Colonel Gansevoort, report that the same be referred to General Washington, who will proceed in the settlement of the rank of these officers in the mode pursued in similar cases.

Resolved, That Congress agree to the said report.

Ordered, That so much of the report of the Board of War as relates to George Ewing, commissary of hides, be recommitted.

Adjourned to 10 oClock on Monday.

MONDAY, APRIL 26, 1779

A letter, of 20th, from T. Johnson, governor of Maryland, was read:

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

A letter, of this day, from Colonel M. Swoope, was read:

Ordered, That it be referred to the commissary general of prisoners.

[1] This report, in the writing of William Henry Drayton, is in the *Papers of the Continental Congress*, No. 29, folio 371.

A letter, of this day, from Major General Arnold, was read:[1]

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

The members chosen, Mr. [William] Paca, Mr. [James] Duane, and Mr. [Thomas] Burke.

A letter, of this day, from S. Deane, was read:

Ordered, To lie on the table till the other dispatches are gone through.

A letter, of 24, from Charles Pettit, was read; also a letter of 23, from General Washington:[2]

Ordered, That the same be referred to the Board of Treasury.

Another letter, of 23, from General Washington, and

One, of the same date from Major General Howe, were read.[3]

A letter, of this day, from J. Carleton, was read:

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

A letter, of 22, from Monsr. de Compty was read:

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

A letter, of 23, from W. Livingston, governor of New Jersey, was read, enclosing an original letter signed Dart-

[1] This letter is in the *Papers of the Continental Congress*, No. 162, folio 181.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 263. Washington also wrote a private letter to Jay containing questions on marine policy, to which Jay replied:

"While the maritime Affairs of the Continent continue under the Direction of a Committee, they will be exposed to all the Consequences of Want of System, Attention and Knowledge. The Marine Committee consists of a Delegate from each State. It fluctuates, new Members constantly coming in and old ones going out. Three or four indeed have remained in it from the Beginning, and have a proportionate influence, or more properly *Interest* in it. Very few of the Members understand even the State of our naval Affairs or have Time or Inclination to attend to them. But why is not this System changed? It is in my Opinion convenient to the Family Compact. The Commercial Committee is equally useless. A Proposition was made to appoint a commercial Agent for the States under certain Regulations. Opposition was made. The ostensible Reasons were various. The true Reason was its Interference with a certain commercial agent in Europe, and his Connections." *Jay to Washington*, April 26, 1779. Washington Papers. *Letters to Washington*, 32, folio 40.

[3] The Washington letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 263; that of Howe, in No. 160, folio 515.

mouth, directed to Earl of Dunmore, dated Whitehall, 2 August, 1775:[1]

Ordered, That the same be referred to the Committee of Intelligence.

The delegates of South Carolina laid before Congress two letters from T. Bee, lieutenant governor of South Carolina, one of the 2d and the other of the 5th instant:[2]

Ordered, That the letter of the 2d be referred to the Board of Treasury, and that the letter of the 5th be referred to a committee of three:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. [Thomas] Burke, and Mr. [Henry] Laurens.[3]

Mr. [Nathaniel] Scudder, a delegate from New Jersey, attended, and took his seat.

On motion of Mr. G[ouverneur] Morris, seconded by Mr. [James] Searle,

Resolved, That the Marine Committee be directed to purchase the vessel called the *Jason*, lately captured and carried into Boston.

Resolved, That the reports of the Board of Treasury and Board of War be postponed till to morrow.

Congress resumed the consideration of the report of the Committee on Foreign Affairs, and after some time spent thereon,

Resolved, that the report on Foreign affairs and the charges reported with the evidence against the present and former Commissioners be taken up and considered, for the purpose of ascertaining

[1] Compty's letter is in the *Papers of the Continental Congress*, No. 78, V, folio 345; that of Livingston, in No. 68, folio 441, and that of Dartmouth, on folio 445.

[2] These letters are in the *Papers of the Continental Congress*, No. 72, folios 485, 489.

[3] On April 28, Richard Henry Lee, for the Committee, wrote to Washington submitting "to your Excellencies wisdom, and better knowledge of military affairs and intended operations, the following measures: That the 2000 new recruits now in Virginia be forthwith regimented and ordered to join the southern army. That a sum of money be sent to Colo. Bland, with orders to reinlist the men of his regiment, and proceed without delay to the same destination." See under May 7, 1779, *post*.

whether the said evidence affords grounds to induce Congress to order the attendance of the said Commissioners or any of them to be heard on the said Charges.[1]

Adjourned to 10 o Clock to Morrow.

TUESDAY, APRIL 27, 1779

Mr. [Roger] Sherman, a delegate from Connecticut, attended, and delivered a resolution of the general assembly of that State, respecting the powers of their delegates, which was read as follows:

At a general assembly of the governor and company of the state of Connecticut, holden at Hartford, by special order of his excellency the governor, on the 7th day of April, 1779: Resolved by this assembly, that any one of the delegates of this state in Congress be, and is hereby fully authorized, in the absence of the others, to represent this state, until the articles of confederation are fully ratified, so as to be made the rule of proceeding in Congress.

A true copy of record, examined by

GEORGE WYLLYS, *Secretary.*

Mr. [Daniel of St Thomas] Jenifer, a delegate of Maryland, attended, and took his seat in Congress.

A petition of B. Arnold;

A letter, of 15, from J. Trumbull, governor of Connecticut and;

One, of 17, from Major General Heath, were read:[2]

Ordered, That they be referred to the Board of Treasury.

Another letter, of 17, from Major General Heath; one of 7, from W. Greene, governor of Rhode Island, and one, of this day, from S. Deane, were read.

[1] This undated motion by William Paca, seconded by Meriwether Smith, is in the *Papers of the Continental Congress*, No. 36, I, folio 18. It is endorsed, "April," and I have inserted it in this place as probably presented after the decision was taken to mention specifically each minister or agent, and before the presentation of the so-called Paca-Drayton report.

[2] Trumbull's letter is in the *Papers of the Continental Congress*, No. 66, II, folio 9; those of Heath, in No. 157, folios 254, 269.

A letter, of 23d, from the Board of War was read, enclosing a letter from T. Bradford, deputy commissary of prisoners, respecting J. Connolly:[1]

Ordered, That so much of the said letter as relates to J. Connolly be referred to a committee of three:

The members chosen, Mr. [Richard Henry] Lee, Mr. [John] Armstrong, and Mr. [Roger] Sherman.

On motion of Mr. [Richard Henry] Lee, seconded by Mr. [Samuel] Atlee,

Ordered, That the Board of War confine J. Connolly to the new prison and the yard thereof until the committee make report.

Ordered, That the remainder of the letter from the Board of War, respecting the defence of the river Delaware, be referred to the delegates of Pensylvania.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Joseph Carleton, pay master to the Board of War and Ordnance for sixty dollars, in specie, to be by him transmitted to Major General Schuyler, one of the commissioners of Indian affairs for the northern department, the said commissioners to be accountable.

That a warrant issue on the treasurer, in favour of Mr. Whitmill Hill and Mr. Thomas Burke, delegates for the State of North Carolina, on their application, for four thousand dollars; the said State to be accountable.[2]

That a warrant issue on the treasurer, in favour of Mr. [Samuel] Atlee, delegate for the State of Pensylvania, on his application, for fifteen hundred dollars, the said State to be accountable.

[1] Greene's letter is in the *Papers of the Continental Congress*, No. 64, folio 434; that of the Board of War, in No. 147, III, folio 223, and that of Bradford, on folio 227.

[2] This report, dated April 21, is in the *Papers of the Continental Congress*, No. 136, III, folio 263. The Indian appropriation granted was based upon a letter from Major General Schuyler of April 8.

That a warrant issue on the treasurer, in favour of the delegates of Virginia, on their application, for ten thousand dollars, the said State to be accountable.

That a warrant issue on the treasurer, in favour of Joseph Carleton, paymaster to the Board of War and Ordnance, for five hundred thousand dollars, to be transmitted to Thomas Reed, Esq. assistant paymaster general at Albany, for the use of his department, to be charged to William Palfrey, Esq. paymaster general, who is to be furnished with a copy of this resolution.[1]

That a warrant issue on the treasurer, in favour of Isaac Forster, Esq. deputy director general of the hospital in the eastern district, for one hundred thousand dollars, to be paid agreeable to his request to John Adams, for the use of the hospitals in that district, the said Doctor Forster to be accountable.[2]

The Board of Treasury having reported, that an additional auditor should be appointed for the army, and recommended Captain Joseph Howell to that office; and that the pay of the several auditors of the army be increased to eight dollars a day:[3]

On the question, *Resolved*, That an additional auditor be appointed for the army;

Congress proceeded to the election: and the ballots being taken, Captain Joseph Howell was elected.

On the question to agree, that the pay of the several auditors of the army be increased to eight dollars a day, the yeas and nays being required by Mr. [Meriwether] Smith,

[1] This report, dated April 20, is in the *Papers of the Continental Congress*, No. 136, III, folio 261.

[2] Based upon Forster's letters of March 9 and 10, 1779.

[3] This report, dated April 26, is in the *Papers of the Continental Congress*, No. 136, III, folio 271.

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Holten,	no	
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Sherman,	ay	div.
Spencer,	no	
New York,		
Mr. Jay,	no	ay
Morris,	ay	
Floyd,	ay	
Lewis,	ay	
New Jersey,		
Mr. Fell,	ay	*
Pennsylvania,		
Mr. Armstrong,	ay	ay
Atlee,	ay	
Searle,	ay	
Muhlenberg,	ay	
Wynkoop,	ay	
Maryland,		
Mr. Plater,	ay	ay
Paca,	ay	
Carmichael,	ay	
Jenifer,	ay	
Virginia,		
Mr. T. Adams,	no	div.
Smith,	no	
R. H. Lee,	ay	
Griffin,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Burke,	ay	
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	no	div.
Drayton,	ay	

So it was resolved in the affirmative.

The commissioners report,

That there is due to Thomas Bradford, his account, for printing 3000 auditors certificates, 1000 recruiting accounts with certificates, and for paper, six hundred and fifty three dollars and 30/90ths.

That there is due to Jeremiah Trexler, his account of expences for conducting six indians from Easton to Philadelphia, in July, 1777, thirty two dollars and 60/90ths, to be paid as per order to Joseph Deane.

Ordered, That the said accounts be paid.

The commissioners farther report that they have re-examined the account of John Dunlap, and having consulted the

several printers respecting the particular charge of printing General Lee's trial, are of opinion, That the whole of his account amounting to eight thousand two hundred and twenty two dollars and 60/90ths should be paid to him.[1]

On the question to agree to this report, the yeas and nays being required by Mr. [John] Jay,

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	
Lovell,	ay	ay
Holten,	ay	
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Sherman,	ay	
Spencer,	ay	ay
New York,		
Mr. Jay,	no	
Duane,	ay	
Morris,	ay	ay
Floyd,	ay	
Lewis,	ay	
New Jersey,		
Mr. Witherspoon,	ay	
Scudder,	no	ay
Fell,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	
Atlee,	ay	
Searle,	ay	ay
Muhlenberg,	ay	
Wyncoop,	ay	
Maryland,		
Mr. Plater,	no	
Paca,	ay	
Carmichael,	ay	ay
Henry,	ay	
Jenifer,	ay	
Virginia,		
Mr. T. Adams,	ay	
Smith,	no	
R. H. Lee,	ay	ay
Griffin,	ay	
North Carolina,		
Mr. Penn,	no	
Burke,	ay	ay
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	ay	
Drayton,	no	div.

[1] This report, dated April 15, is in the *Papers of the Continental Congress*, No. 136, III, folio 247. The commissioners added the following opinion: "From whose [the printers] information they cannot ascertain any other precise charge than he himself has made. We therefore, from the circumstances attending the work of striking one hundred copies only and the rapid depreciation of paper money since it was done, are induced with submission to think, that the whole amount of his account being, eight thousand, two hundred, twenty two and 60/90 dollars should now be paid to him."

So it was resolved in the affirmative.

The Committee on the Treasury brought in a farther report; Whereupon

Ordered, That a warrant issue on the treasurer, in favour of the State of Maryland, for five hundred thousand dollars, to be paid to the delegates of that State and by them transmitted to Governor Johnson, for the purchase of flour for the continental army; the said State to be accountable.

That a warrant issue on the treasurer, in favour of Mr. [William] Sharpe, delegate from the State of North Carolina, on his application, for two thousand five hundred dollars, the said State to be accountable.[1]

That a warrant issue on the deputy pay master general in the northern department, in favour of Colonel Morgan Lewis, deputy quarter master general in the said department, for the sum of fifty one thousand three hundred and nineteen dollars and 22½/90ths, being the balance reported to be due to him by the commissioners of accounts at Albany by their report, dated at Albany the 4th March last; and that the said sum be credited to the said deputy paymaster.[2]

Whereas many accounts of expenditures for the public service in the State of New York remain unsettled:

Resolved, That John Welles, Edward Chinn, and Eleazer Wales, Esqrs. the commissioners of accounts for the northern department, be continued in their present office so long as the Board of Treasury shall think it expedient, notwithstanding the appointment of Mr. Welles as a commissioner of the chamber of accounts; and that all such accounts as have arisen or shall arise within the said department, be adjusted by the said commissioners of accounts.[3]

[1] This report, dated April 27, is in the *Papers of the Continental Congress*, No. 136, III, folio 279. The first paragraph was based upon a letter of Johnson, of April 20.

[2] This report, dated April 27, is in the *Papers of the Continental Congress*, No. 136, III, folio 281.

[3] This paragraph formed part of a report of the committee, dated April 23, in the *Papers of the Continental Congress*, No. 136, III, folio 269.

TREASURY OFFICE *April 21st 1779.*

The Committee on the Treasury beg leave to submit the following report:

It is the opinion of your Committee that Congress are loudly called upon to turn their attention to ways and means for supporting the war.

It is no longer probable that the expedient of calling in the emissions of May 20th, 1777, and April 11th, 1778, will afford any other extensive advantage than that of defeating frauds by counterfeits. Such are the thirst for traffic, the diffidence of our funds from the fluctuation of the paper money, and the arts of the disaffected, that little comparatively of those emissions will be drawn into the Loan offices: a vast proportion of the amount must consequently be exchanged after the first of August, and pass again into circulation, while experience has shewn that those emissions effectually suspend the attainment of other money on loan. Nor can the tax of fifteen million dollars produce very essential effects. The emission of new money is therefore our principal resource, and it must keep pace with the expenditures, at the same time that those expenditures increase with such rapidity that it is impossible to foresee where they will terminate. In fact your Committee are of opinion that unless vigorous and decisive measures are adopted, the present system, by which the expences of the war are supported, must be frustrated. Your Committee from these apprehensions beg leave to lay before Congress the remedies which appear to them to promise success.

Œconomy in the public expences is the first object.

The establishment of a Board of Treasury with competent authority to call public debtors and defaulters to account, a plan for which is herewith presented numbered (1).

The reduction of unnecessary Boards and supernumerary Officers, both in Civil and Military departments. The suppression of useless seperate commands.

A Reformation in the manner of rewarding Purchasing Commissaries and Quarter Masters; and a reduction of the expences of the Hospital, are some of the particulars which in the opinion of your Committee demand attention. To promote so necessary a reformation; your Committee are of opinion that a strict enquiry ought to be made by a select Committee (or one of the standing Boards) into the public expenditures, and the practicability of their reduction; for which purposes the resolutions N° 2 and 3 are submitted.

The second great object is to establish the funds for carrying on the War, for which purpose your Committee submit the following propositions:

That it be recommended to the respective States to call in million dollars by a tax the ensuing autumn, in the proportions and on the terms specified in a resolution for the late tax of 15 million for which purpose they have proposed the report (No 4).

That an alteration be made in the system of the loan offices so as to afford the lender a reasonable propect of security. At present the progressive depreciation of the paper medium, which at least keeps pace with the emissions, is an unsurmountable discouragement.

A plan for this purpose is contained in the report (No 5) herewith presented.

That twelve million dollars be borrowed on life annuities. Your Committee have reason to think that a plan of this nature would be very acceptable to the citizens of these States, and meet with great encouragement.

They have submitted it in the report (N° 6).

A Recommendation to the States to licence and regulate retailers of foreign Commodities, so that they may be limited within some bounds.

Unless some remedy is provided the murmurs of the Citizens of these States will, it is feared, be followed by consequences still more disagreeable than the rapid depreciation of the money. Your Committee for this purpose have proposed the resolution No 7.

A foreign loan, at least to the amount of all the cloathing, arms and ammunition necessary to carry on the War. A Report for this purpose has long since been presented by the Committee of Conference and remains for consideration.[1]

The Committee on the Treasury report as their opinion:

That Tuesdays, Thursdays and Saturdays be assigned for considering the reports of the treasury or other committees, relative to finance, until a decision thereon is obtained, and that no other business be considered after 12 o clock on those days, unless by the unanimous consent of the members of the House.[2]

[1] This report is in the *Papers of the Continental Congress*, No. 136, III, folio 265. It is endorsed as "Read April 27. Postponed to Thursday next." See p. 491 *n*, *ante*.

[2] This paragraph formed part of a report of the committee, dated April 23, in the *Papers of the Continental Congress*, No. 136, III, folio 269.

A motion was made by Mr. [Gouverneur] Morris, seconded by Mr. [John] Penn,

To strike out the words "Tuesdays" and "Saturdays". On the question, shall Tuesdays stand, the yeas and nays being required by Mr. [Elbridge] Gerry,

Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	no	no
Collins,	no	
Connecticut,		
Mr. Sherman,	no	no
Spencer,	no	
New York,		
Mr. Jay,	no	no
Morris,	no	
Floyd,	no	
Lewis,	no	
New Jersey,		
Mr. Witherspoon,	no	no
Fell,	no	
Pennsylvania,		
Mr. Armstrong,	no	no
Shippen,	no	
Atlee,	no	
Muhlenberg,	no	
Wyncoop,	no	
Maryland,		
Mr. Plater,	no	div.
Carmichael,	ay	
Henry,	no	
Jenifer,	ay	
Virginia,		
Mr. T. Adams,	no	div.
Smith,	no	
R. H. Lee,	ay	
Griffin,	ay	
North Carolina,		
Mr. Penn,	no	no
Burke,	no	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	ay	div.
Drayton,	no	

So it passed in the negative and the word was struck out.

On the question shall Saturdays stand, the yeas and nays being required by Mr. [Elbridge] Gerry,

Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Lovell,	no	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	no	no
Collins,	no	
Connecticut,		
Mr. Sherman,	no	no
Spencer,	no	
New York,		
Mr. Jay,	no	no
Morris,	no	
Floyd,	no	
Lewis,	no	
New Jersey,		
Mr. Witherspoon,	no	no
Scudder,	no	
Fell,	no	
Pennsylvania,		
Mr. Armstrong,	no	no
Shippen,	no	
Atlee,	no	
Muhlenberg,	no	
Wynkoop,	no	
Maryland,		
Mr. Plater,	no	div.
Carmichael,	ay	
Henry,	no	
Jenifer,	ay	
Virginia,		
Mr. T. Adams,	ay	div.
Smith,	no	
R. H. Lee,	no	
Griffin,	ay	
North Carolina,		
Mr. Penn,	no	no
Burke,	no	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	ay	div.
Drayton,	no	

So it passed in the negative and the word was struck out.

In lieu of the report the following substitute was moved by Mr. [Gouverneur] Morris, seconded by Mr. [Nathaniel] Scudder,

That every Thursday, immediately after reading the journal, the House proceed to consider the reports of the Board of Treasury and other committees on finance,

Question put, resolved in the affirmative.

A motion was made by Mr. [Roger] Sherman, seconded by Mr. [James] Lovell, to strike out the word "every", and after Thursday insert the word "next".

Question put, resolved in the affirmative.

On the question,

Resolved, That Thursday next, immediately after reading the journal, the House proceed to consider the reports of the Board of Treasury and other committees on finance.

On motion of Mr. [Gouverneur] Morris, seconded by Mr. [Thomas] Burke,

Resolved, That when a motion is made to bring on or postpone any particular business, no member be allowed to speak more than once.

Resolved, That four thousand loan office certificates of one thousand dollars each, of the same tenor and date as the last emission of such certificates, be struck and sent to the several commissioners of the continental loan office, under the direction of the Board of Treasury; and that as many certificates of the lower denominations already struck, as amount to four millions of dollars, be retained in the hands of the treasurer of loans until the further orders of Congress.[1]

Ordered, That Mr. F[rancis] Lewis have leave of absence.

Resolved, That Captain John Helm be appointed one of the signers of the continental bills of credit.

The Committee on the Treasury report,

That information has been given to the Board of Treasury that Alexander McKallaher, the deputy commissary of the hospital at the Yellow Springs, has made a practice of exchanging the hospital stores, such as sugar, molasses, &c. for butter, poultry, eggs, &c. for his own and the doctors' table: That he keep a blooded horse in the guard house, and a mare and colt; and a hostler at his quarters, and another at the hospital, that he entertains all people who come to the hospitals with wine and toddy, alledging that he is allowed to

[1] This paragraph, and those on McKallaher, are in a report of the Committee on the Treasury, dated April 16 and 17, in the *Papers of the Continental Congress*, No. 136, III, folio 255.

do so by Congress or Doctor Shippen, the informant is not certain which.

That those circumstances have given occasion to great clamours among the inhabitants in the neighbourhood.

That it is a convalescent hospital: That they have repaired the Farmer's houses in the neighbourhood for their own convenience at the public expence; Whereupon,

Ordered, That the information from the Committee on the Treasury, relative to Alexander McKallaher be referred to the Medical Committee, and that they take such measures for ascertaining the facts; and if properly supported for bringing him to a tryal, as they shall judge expedient.[1]

At a Board of War, *April 27th., 1779.*

Present, Col. Pickering and Mr. Peters

Col George Morgan having represented to Congress, that it was impossible for him to do the business of his department at the Commission of ½ p^{r} cent allowed him as Deputy Commissary General of purchases for the Western District, and desiring either that the Commission be increased or an adequate salary fixed. The Board taking the same into consideration, beg leave to inform Congress:

That not knowing the views of Congress with respect to the compensation to be allowed to the Officers of the civil Departments, it is impossible for us to form a determinate report on the subject; but we beg leave to submit the following, that they may be pleased to act therein as they shall deem most proper.

That from the scattered situation of the settlements in the Western district; and the consequential difficulties in obtaining the supplies of provisions therein, Col Geo: Morgan, Deputy Commissary General of Purchases for that district be allowed a Commission of p^{r} Cent, on all purchases made by him for the Army of the United States. Or—That in consideration of the peculiar difficulties attending the purchases of provisions in the Western District, Colonel George

[1] The committee's recommendation was that "an enquiry ought to be made into the truth of the said charges, without delay; and that on proof thereof the parties charged ought to be suspended and brought to trial." The resolution adopted was an amendment offered by Elbridge Gerry, to be found in his writing on folio 259½. The name is written McKallaster in the Journals, and McKallaher in the committee report.

Morgan, Deputy Commissary General of Purchases for that district be allowed dollars per month, as a compensation for his trouble and expences in making the necessary purchases of provisions for the use of the troops stationed at the posts depending upon him for supplies.

That each of his assistants be allowed dollars per month and two rations per day.

That his clerk be allowed dollars p^r^ month and two rations p^r^ day.

We have enclosed a paper signed by Colonel Morgan, which will shew Congress *his* expectations and *his* Ideas of the appointments necessary for the persons employed under him. We beg leave to add that a Commission of 2½ p^r^ Cent on the probable expenditures for provisions in this Department for the year to come, will amount to twice as much as the pay Colonel Morgan asks for himself, of thirty dollars a day for pay and all travelling expences. He informs the Board that he would be extremely sorry to throw any embarrasments in the way of public business; on the contrary, that he is anxious to have the supplies for the Western Department procured; but cannot continue to conduct that business on his present allowance to his certain very great loss; that nevertheless, if the terms he proposes are not agreeable, he will exert himself to the utmost in making the necessary purchases until Congress shall appoint a proper person to Succeed him, so that the Department may not suffer from a want of provisions; hoping in this case that such appointment would not be long postponed; but for this purpose an immediate supply of money is indispensably necessary, but which he has not yet been able to obtain of the Commissary, Generals Agent, who says he cannot obtain it from the Treasury. He further represents, that so much time has already elapsed since his application to the Commissary Generals Agent for money it is out of his power to fulfil the orders he received from the Commander in Chief in the time limited; and that a longer delay will probably put it wholly out of his power to furnish the requisite supplies for the ensuing Campaign.[1]

[1] This report is in the *Papers of the Continental Congress*, No. 147, III, folio 241. The letter of Colonel Morgan, dated April 27, is on folio 245.

A motion was made by Mr. [Gouverneur] Morris, seconded by Mr. [John] Penn;

That a sum of money in specie be immediately sent to the Commander in Chief, for secret services.

In lieu of which a substitute was moved by Mr. [Henry] Laurens, seconded by Mr. [Nathaniel] Scudder in the words following, viz:

That the President write to the Commander in Chief and enquire whether he is in want of specie for secret services.

Question put, to admit the substitute. Passed in the affirmative.

An amendment was then moved by Mr. S[amuel] Adams, seconded by Mr. [Gouverneur] Morris, instead of the words "enquire whether, &c.", to insert, "inform him that if he is in want of specie for secret services, he may draw for any sum or sums to the amount of two thousand guineas upon the treasurer, who will pay the same."

Question on the amendment, passed in the affirmative.

On the question to agree to the motion as amended,

Resolved, That the President write to the Commander in Chief, and inform him that if he is in want of specie for secret services, he may draw for any sum or sums to the amount of two thousand guineas on the treasurer, who will pay the same.[1]

Adjourned to 10 oClock to Morrow.

[1] The proceedings on this question of specie for Washington are taken from the Manuscript Secret Journal, no entry having been made in the regular journals.

WEDNESDAY, APRIL 28, 1779

Mr. William Fleming, a delegate from Virginia, attended and produced the credentials of his appointment, which were read, as follows:

VIRGINIA, To wit,

In General Assembly.
Monday December 14th 1778

Resolved, that William Fleming, of Powhatan, Esquire, be elected a Delegate to represent this Commonwealth in Congress, in the room of John Banister, Esquire, who hath resigned.

Teste.

ARCHIBALD CARY, *S. S.*
BENJ: HARRISON, *Sp. H. D.*[1]

A petition of Captain John Baptist Allin was read,[2] with sundry papers enclosed:

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

A letter, of 27, from N. Greene, Q. M. G., was read:

Ordered, That it be referred to the committee appointed to superintend the departments of the quarter master and commissary general.

A petition of Gideon Olmstead, Artemas White and Aquilla Ramsdill, claimants of the sloop *Active*, was read,[3] praying that the whole amount of the said sloop and cargo may be advanced to them out of the public treasury, upon their tendering sufficient security to refund the same with interest, if Congress shall so determine, or one half thereof upon their own security.

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

[2] This petition is in the *Papers of the Continental Congress*, No. 42, I, folio 41.

[3] This petition is in the *Papers of the Continental Congress*, No. 42, VI, folio 25.

A motion was made by Mr. [Thomas] Burke, seconded by Mr. S[amuel] Adams, that it be referred to the Board of Treasury, on which the yeas and nays being required by Mr. [Henry] Laurens,

New Hampshire,			
Mr. Whipple,	no	no	
Massachusetts Bay,			
Mr. Adams,	ay	ay	
Lovell,	ay		
Holten,	no		
Rhode Island,			
Mr. Ellery,	ay	ay	
Collins,	ay		
Connecticut,			
Mr. Sherman,	ay	div.	
Spencer,	no		
New York,			
Mr. Jay,	ay	ay	
Floyd,	ay		
Lewis,	no		
New Jersey,			
Mr. Witherspoon,	no	no	
Scudder,	no		
Fell,	no		
Pennsylvania,			
Mr. Armstrong,	no	no	
Shippen,	no		
Atlee,	no		
Searle,	no		
Muhlenberg,	no		
Wyncoop,	no		
Delaware,			
Mr. Dickinson,	no	no	
Maryland,			
Mr. Plater,	ay	ay	
Paca,	ay		
Henry,	no		
Jenifer,	ay		
Virginia,			
Mr. T. Adams,	no	no	
Smith,	no		
R. H. Lee,	no		
Fleming,	no		
North Carolina,			
Mr. Penn,	ay	ay	
Burke,	ay		
Sharpe,	ay		
South Carolina,			
Mr. Laurens,	no	no	
Drayton,	no		

So it passed in the negative.

A motion was made by Mr. [Meriwether] Smith, seconded by Mr. [Henry] Laurens,

That the prayer of the petition be rejected. After debate,

A motion was made by Mr. [William Henry] Drayton, seconded by Mr. [John] Witherspoon, that the consideration

thereof be postponed until the 15 of September, on which the yeas and nays being required by Mr. [Henry] Laurens,

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	no	no
Lovell,	no	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	no	no
Collins,	no	
Connecticut,		
Mr. Sherman,	no	no
Spencer,	no	
New York,		
Mr. Jay,	no	ay
Floyd,	ay	
Lewis,	ay	
New Jersey,		
Mr. Witherspoon,	ay	ay
Scudder,	ay	
Fell,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Atlee,	ay	
Searle,	ay	
Muhlenberg,	ay	
Wyncoop,	ay	
Delaware,		
Mr. Dickinson,	ay	ay
Maryland,		
Mr. Plater,	no	div.
Paca,	no	
Henry,	ay	
Jenifer,	ay	
Virginia,		
Mr. T. Adams,	ay	ay
Smith,	ay	
Fleming,	ay	
North Carolina,		
Mr. Penn,	no	no
Burke,	no	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	

So it was resolved in the affirmative.

A letter, of 27, from J. Reed, president of the State of Pensylvania, was read;[1] Whereupon,

A motion was made by Mr. [William Henry] Drayton, seconded by Mr. [Gouverneur] Morris,

[1] This letter is in the *Papers of the Continental Congress*, No. 69, II, folio 57.

That the president make application to the president of the State of Pensylvania, to desire that he will specify those "transactions respecting General Arnold," which "are likely again to become the subject of discussions between Congress and the authority of the State," alluded to in his letter of the 27, as information received through the delegates of that State; Congress not being acquainted with any such transactions on their part, and to assure the president that Congress, being disposed to preserve the most perfect harmony with the State of Pensylvania, wish to avoid every transaction likely to become the subject of discussion with the State.

A motion was made by Mr. [William] Paca, seconded by Mr. [John] Armstrong, that the letter from Mr. President Reed be referred to the committee to whom was referred the letter from Major General Arnold.

On the motion for commitment, the yeas and nays being required by Mr. [William Henry] Drayton,

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	no	no
Collins,	no	
Connecticut,		
Mr. Sherman,	ay	ay
Spencer,	ay	
New York,		
Mr. Jay,	ay	ay
Duane,	ay	
Morris,	ay	
Lewis,	ay	
New Jersey,		
Mr. Witherspoon,	ay	ay
Scudder,	ay	
Fell,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Atlee,	ay	
Searle,	ay	
Muhlenberg,	ay	
Wynkoop,	ay	
Maryland,		
Mr. Plater,	ay	ay
Paca,	ay	
Carmichael,	ay	
Henry,	ay	
Jenifer,	ay	

Virginia,			*North Carolina,*		
Mr. T. Adams,	ay		Mr. Penn,	no	
Smith,	ay		Burke,	no	no
R. H. Lee,	ay	ay	Sharpe,	no	
Griffin,	ay		*South Carolina,*		
Fleming,	ay		Mr. Laurens,	ay	
			Drayton,	ay	ay

So it was resolved in the affirmative.

A motion was then made by Mr. [William Henry] Drayton, seconded by Mr. [Cyrus] Griffin,

That the committee be instructed to make application to the president of the State of Pensylvania, to desire that he will specify those "transactions respecting General Arnold," which "are likely again to become the subject of discussions between Congress and the authority of the State," alluded to in the president's letter of the 27, as information received through the delegates of this State; Congress not being acquainted with any such transactions on their part, and to assure the president that Congress, being disposed to preserve the most perfect harmony with the State of Pensylvania, wish to avoid every transaction likely to become the subject of discussion with the State.

When the question was about to be put, the previous question was moved by Mr. R[ichard] H[enry] Lee, seconded by Mr. [Roger] Sherman; and on the previous question, the yeas and nays being required by Mr. [William Henry] Drayton,

New Hampshire,			*Connecticut,*		
Mr. Whipple,	ay	ay	Mr. Sherman,	ay	
Massachusetts Bay,			Spencer,	ay	ay
Mr. S. Adams,	ay		*New York,*		
Gerry,	ay		Mr. Jay,	no	
Lovell,	ay	ay	Duane,	ay	
Holten,	ay		Morris,	no	div.
Rhode Island,			Lewis,	ay	
Mr. Ellery,	ay				
Collins,	ay	ay			

New Jersey,			*Virginia,*		
Mr. Witherspoon,	ay	ay	Mr. T. Adams,	ay	no
Scudder,	ay		Smith,	no	
Fell,	ay		R. H. Lee,	ay	
Pennsylvania,			Griffin,	no	
Mr. Armstrong,	ay	ay	Fleming,	no	
Atlee,	ay		*North Carolina,*		
Searle,	ay		Mr. Burke,	no	no
Muhlenberg,	ay		Sharpe,	no	
Wynkoop,	ay		*South Carolina,*		
Maryland,			Mr. Laurens,	ay	div.
Mr. Plater,	no	ay	Drayton,	no	
Paca,	ay				
Carmichael,	ay				
Henry,	ay				
Jenifer,	no				

So it was resolved in the affirmative, and the motion set aside.

A motion was made by Mr. [William] Paca, seconded by Mr. [John] Armstrong that three members be added to the committee.

Question put, passed in the negative.

On motion of Mr. [Elbridge] Gerry, seconded by

Resolved, That the Committee of Commerce be directed to instruct the continental agent at Boston to obtain a division of the prize goods lately taken by the ships *Warren, Queen of France* and *Ranger,* and to retain such part as belongs to the United States for the disposition of the said committee.

On motion of Mr. [Henry] Laurens, seconded by

Resolved, That on Friday next, immediately after reading the journal, the House proceed to the consideration of the report of the committee on foreign affairs, &c.

Adjourned to 10 oClock to Morrow.

THURSDAY, APRIL 29, 1779

An appeal from the judgment of a court of Admiralty for the State of Connecticut on the libel Elisha Elderkin, &c. *v.* a sloop, was lodged with the Secretary, and referred to the Committee on Appeals.[1]

According to the order of the day, Congress proceeded to the consideration of the report of the Board of Treasury relative to finance.

On motion of Mr. [John] Witherspoon, seconded by Mr. [Gouverneur] Morris,

Resolved, That so much of the said report as relates to the establishment of a treasury board and the proper officers for managing the finances of these United States be postponed.

That so much of the said report as relates to the commissary general and quarter master general's department and appointment of a committee of enquiry, be postponed.

Congress proceeded to the consideration of that part of the report of the Treasury which relates to raising supplies and supporting the credit of the continental currency; and after some time spent thereon:

Ordered, That the farther consideration thereof be postponed till Saturday next.

Adjourned to 10 oClock to Morrow.

FRIDAY, APRIL 30, 1779

The order of the day being read for proceeding to the consideration of the report of the committee on foreign affairs; and the question under debate being stated, shall Arthur Lee, Esq. commissioner of the United States at the court of Madrid, be recalled?

[1] This appeal is in the *Papers of the Continental Congress*, No. 42, II, folio 384. Elderkin was owner of the boat *True Blue*; the name of the captured sloop is not given.

Mr. [William] Paca arose, and informed the House, that he had important information on the subject of the said report, which he would communicate agreeable to the order of the House: he then proceeded to lay on the table a paper signed by himself and Mr. W[illiam] H[enry] Drayton, containing intelligence respecting Arthur Lee, Esq. which was read.

APRIL 30TH, 1779.

On the 15th day of April Instant, Congress ordered that the members of this House, who may have any papers or evidence in their possession relative to the said report, do lay the same upon the Table.

On the twenty eighth day of April Instant, Congress ordered the report of the Committee of Foreign Affairs to be considered. On this day just as the House were about to proceed to the consideration of the said report, the Honble Wm Paca informed the House, that he had important information on the subject of the said report which he would communicate agreeable to the order of the House. He then proceeded to lay a paper signed by himself and the Honble W. D[H] D[rayto]n containing intelligence respecting Arthur Lee Esqr upon the Table, where it having been read by the Secretary, Mr Paca moved and was seconded by Mr Drayton "that the said paper be entered on the journals."

An objection was made by Mr S. Adams to the said motion, as being out of order; and the President being of opinion that the motion was in order, an appeal was made to the House.[1]

Motion of Mr Paca, seconded by Mr Burke

Whereas by Intelligence communicated to Congress by the Minister Plenipotentiary from France there is reason to think that a negotiation for peace will shortly commence at the court of Madrid through the mediation of the said Court; and whereas information has been given to Congress that Mr Arthur Lee, Commissioner to the said Court for these States, has not the confidence of either the Courts of Versailles or Madrid, from which information if true there is reason to think that the appointment of the said Mr Arthur Lee, Plenipotentiary at the Court of Madrid, to negotiate peace for the States would be highly disgusting to both the said courts; and whereas, Congress are informed that the Sieur Gérard, Minister Plenipotentiary from France can give full and complete satisfaction on this

[1] This paper, in the writing of John Jay, is in the *Papers of the Continental Congress*, No. 36, I, folio 21.

subject, and as Congress can not doubt, but what the said Sieur Gérard, from his regard to the interests of these States and the alliance concluded between them and his court, will give such information as he is possessed of, if called upon.

Resolved, That the Sieur Gérard be requested to inform Congress, whether Mr A. Lee possesses the confidence of the court of Versailles or Madrid in such degree, as that they can and will fully and freely consult with and entrust him with all matters and things which relate to the welfare and happiness of these States, and the common interest of the alliance between these States and the Court of France.

April 28. 1779.[1]

The undersigned Members of the Congress of the United States of North America have the honor to inform the said Congress,

That upon good grounds, having been led to believe that the conduct of Arthur Lee, Esq., late one of the Commissioners representing these United States at the Court of Versailles, and now sole Commissioner to represent the said States at the Court of Madrid, was disgustful to those Courts, unconciliatory to their subjects, and prejudicial to the honor and interests of the said States.

They were astonished to hear an assertion made in Congress on the 15th. inst. by an Hon. Member from Massachusetts Bay, as from the highest authority in America, that the said Commissioner is possessed of the confidence of the Court of Versailles; and since, another assertion, by another Hon. Member from the same State, that the said Commissioner is the most proper person to represent the said States at the Court of Madrid, assertions which, being made in the debates upon foreign affairs, were made to influence Congress to continue the said Arthur Lee, Esq. as the public minister of the said United States to the Court of Madrid, at the expected negotiations for a general pacification under the mediation of that Court.

That the undersigned, impressed with a conviction that in such an important conjuncture, the Minister to represent the said States at the Court of Madrid, ought not to be disagreeable to that Court, nor to the Court of Versailles, in faithful alliance with these States; and that the interest of the said States demanded that it should be precisely ascertained, whether or not the said Commissioner was disa-

[1] This motion, in the writing of William Paca, is in the *Papers of the Continental Congress*, No. 36, I, folio 23. It is endorsed "April 30, 1779."

greeable to the said Court; for certain information upon the point, they have, from the necessity of the case, been compelled to apply to the Minister Plenipotentiary of France, residing near Congress, as the highest source of information in America.

That in consequence of such application, the Minister Plenipotentiary produced to the under-signed an original letter to him from the Count de Vergennes, Minister for foreign affairs at the Court of Versailles, dated the 29th of October, 1778, in which after having stated the intelligence which has been communicated to Congress, by the Minister Plenipotentiary, in February last, and after having assigned some reasons for not having communicated that intelligence to the American Commissioners in Paris, the Count de Vergennes concludes in these terms, "Je vous avouerai d'ailleurs que je crains M. Lee et ses entours"—"Besides, I confess to you that I fear Mr. Lee and those about him"

That the Minister Plenipotentiary added that this consideration induced the Court of Versailles to keep secret from the said Commissioner the intended sailing of the Count d'Estaing for America, until his fleet was ready to put to sea; that the said Commissioner, by his conduct on several occasions, created the highest disgust in the Court of Versailles against him. That the Court of Madrid, in the closest connection with that of Versailles, entertained the same sentiments respecting the said Commissioner, not only on account of his conduct on those occasions, but because of his imprudent conduct in Spain; and, in a word, the Minister Plenipotentiary expressly declared, that he has every reason to think, that neither of those Courts have that confidence in the said Commissioner, which is necessary to give success to the negotiations of a foreign minister.

The undersigned having received such decisive information from the Minister of France, with liberty to communicate it to Congress, think it is their indispensible duty to the United States and to themselves, to lay the same explicitly before this the Supreme Council of America; to the end that they may not be misled to continue the said Commissioner, as the representative of these United States, at a Court in the highest manner disgusted at his conduct, and at which, of consequence, his negotiations must be unsuccessful. But if, unfortunately, it shall be disregarded, they will have the consolation to reflect, that in giving this information, they discharged their duty to the United States; and that having given it, they cannot justly

be held responsible for the consequences of a measure but too likely to prove unconciliatory abroad, ruinous to the public finances at home, and an impediment to the speedy and honorable pacification, securing the Independence of the United States of North America.

WILLIAM PACA
WILLIAM HENRY DRAYTON.[1]

Congress then resumed the consideration of the question under debate, and some time being spent thereon,

Adjourned to 10 oClock to Morrow.

SATURDAY, MAY 1, 1779

A memorial from Captain Allen M'Lane was read:

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

A letter, of April 24, from General Washington, was read, enclosing a letter from the captain lieutenants of artillery:

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

A letter, of March 22, from Major General Heath, was read;[2] Whereupon,

On motion of Mr. [William Henry] Drayton, seconded by Mr. [John] Witherspoon,

Resolved, That the reasonable expences of Major General Heath's table, during his separate command at Boston, be discharged by the public; and that the Board of Treasury take measures for liquidating and settling those accounts.[3]

A letter, of April 28, from General Washington, enclosing a copy of proceedings of the council of Massachusetts bay, dated March 4, was read,[4] informing that there are several

[1] The original of this paper, in the writing of William Henry Drayton, is in the Library of Congress, *United States Revolution.*

[2] McLane's memorial, dated April 28, is in the *Papers of the Continental Congress,* No. 41, VI, folio 133; the letter of Washington, in No. 152, VII, folio 271; the letter of the captains lieutenants is on folio 271; that of Heath, in No. 157, folio 246.

[3] This motion, in the writing of William Henry Drayton, is in the *Papers of the Continental Congress,* No. 36, IV, folio 587.

[4] Washington's letter is in the *Papers of the Continental Congress,* No. 152, VII, folio 275; the Massachusetts paper is on folio 279.

pieces of cannon, 18 pounders, the property of the Continent, now in Massachusetts bay; that application has been made for them, and that only two has been received, for the defence of the posts on the North river; representing the importance of those posts, and requesting the directions of Congress that the said cannon be applied to this purpose; Whereupon,

A motion was made by Mr. S[amuel] Adams, seconded by Mr. [Samuel] Holten, That the letter be referred to the Board of War.

On the question, the yeas and nays being required by Mr. [John] Jay,

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Collins,	no	no
Connecticut,		
Mr. Sherman,	ay	div.
Spencer,	no	
New York,		
Mr. Jay,	no	no
Floyd,	no	
New Jersey,		
Mr. Witherspoon,	ay	ay
Scudder,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	no
Atlee,	no	
Muhlenberg,	no	
Delaware,		
Mr. Dickinson,	no	no
Van Dyke,	no	
Maryland,		
Mr. Plater,	no	no
Paca,	no	
Henry,	no	
Jenifer,	no	
Virginia,		
Mr. Fleming,	no	*
North Carolina,		
Mr. Penn,	no	no
Burke,	no	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	

So it passed in the negative.

On motion of Mr. [Thomas] Burke, seconded by Mr. [William Henry] Drayton,

Resolved, That the Commander in Chief be authorised to call upon the State of Massachusetts bay for such and so many of the continental cannon lent to the said State, as he may judge necessary for the defence of the posts on Hudson's river.[1]

Congress resumed the consideration of the report of the committee on foreign affairs, and some time being spent thereon,

Adjourned to 10 oClock on Monday.

MONDAY, MAY 3, 1779

A letter, of 1st, from Brigadier Du Portail, was read;[2] Whereupon,

Ordered, That a warrant issue on the Treasury, in favour of Brigadier du Portail, for one thousand dollars, to be advanced to him, for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Colonel La Radière, for eight hundred dollars, to be advanced to him, for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Monsr. Villefranche, for six hundred dollars, to be advanced to him, for which he is to be accountable.

A letter, of April 29, from General Washington, was read.[3]

A letter, of this day, from W[illiam] Ellery and J[ohn] Collins, was read: Whereupon,

PHILADELPHIA, *May 3d, 1779.*

SIR, The Undersigned Delegates of the State of Rhode Island and Providence Plantations, with great reluctance, adopt this mode of soliciting the attention of Congress to a motion made by them so long ago as the 14th of the last month, at the special instance and direction

[1] This motion, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 36, IV, folio 595.

[2] This letter is in the *Papers of the Continental Congress*, No. 164, folio 338.

[3] This letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 283.

of said State; but the duty they owe to it, and the justice they owe to their own reputations constrain them to persue every decent measure to accomplish the wishes of their constituents.

Finding every avenue to the motion referred to barricadoed by reports of the boards of treasury and war, and orders of the day, which their utmost efforts have not been able to remove, that if they must wait for its decision untill the reports of those boards and orders of the day already made and received, and others which are constantly increasing the Pile, shall be decided, they may wait until the intire destruction of their State shall have rendered all application to congress, in its behalf, altogether unnecessary: Finding too, that it is out of their power to demonstrate to their constituents the assiduity they have used to procure a speedy determination of said motion, the house having voted it to be disorderly to connect with motions for postponing the reasons therefor, the Undersigned are compelled to this mode of Application, which they have observed hath generally proved successful.

The Undersigned forbear to take notice of the uncommon obstructions which have been thrown in the way of the request of the State which they have the honour to represent, whenever it hath had the good fortune to come under the Consideration of Congress.

The Undersigned trust that Congress will never give to any one of the United States just occasion to tax them with partiality, sincerely wish that their Union may be perpetual, and are with the greatest Respect, Your Excellency's most obedt hble Servts.,

WILLIAM ELLERY
JOHN COLLINS.[1]

Ordered, That to morrow be assigned for the consideration of the motion respecting raising troops for the defence of Rhode island.

A letter, of 1, from the Board of War,[2] enclosing one of the same date, from Charles Stewart, commissary general of issues;

Also one, of April 29, from the said Board, enclosing one, of April 18th, from Daniel Joy, respecting the contract for

[1] This letter, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 78 VIII, folio 319.

[2] This letter is in the *Papers of the Continental Congress*, No. 147, III, folio 297.

cannon entered into by the Board with Messrs. Hughes, were read:

Ordered, To lie on the table.

On motion of Mr. [Daniel of St. Thomas] Jenifer, seconded by Mr. [John] Henry,

Resolved, That the Board of War be directed to apply to the Governor and Council of Maryland, and request them, if there are any heavy cannon belonging to the State, which can be spared from the immediate defence thereof, to lend them to the Continent for the defence of the posts on Hudson's river, on condition that Congress will return them or a like number of equal bore, or pay the State the full value thereof, at the election of the general assembly.

On motion of Mr. [John] Witherspoon, seconded by Mr. [Henry] Laurens,

Resolved, That the reading the other public dispatches be postponed.

Resolved, That the consideration of the reports of the Board of Treasury and Board of War be postponed.

The delegates of the State of Pensylvania, to whom was referred an extract of a letter from the Board of War, respecting the defences of the river Delaware, brought in a report; Whereupon,

That by order of the Commander in Chief Colonel Proctor's Regiment is, as soon as equipped, to march from this city, whereby the Posts occupied by them upon the River Delaware will be evacuated and the numerous Stores in and near this place will be unprotected,

Resolved, That the president and council of the State of Pensylvania be requested to order such of the militia of that State to take post at Fort Mifflin and Billingsport in the room of Colonel Procter's men, as shall be judged by the said president and council sufficient; the said militia to be allowed continental pay and subsistance.[1]

[1] This report, in the writing of Samuel Atlee, is in the *Papers of the Continental Congress*, No. 20, II, folio 41.

The order of the day being called for, Congress resumed the consideration of the report of the committee on foreign affairs; and the question under debate being stated, viz. shall Mr. A. Lee be recalled:

Mr. [William] Carmichael arose, and informed the House, "that as the committee appointed by Congress to examine into the state of their foreign affairs, have thought proper to refer to him for information on the charges reported by them against some of the public servants abroad, and as some gentlemen have expressed a desire he should reduce to writing the information he gave the House in his place when those charges were read, he was induced to indulge their wishes, as well to shew more explicitly the reasons which determined his voice on the decision of a question on which he thinks the honor and interest of the United States highly depend;" he then proceeded to lay on the table a paper signed by him, which, with sundry papers therein referred to, was read.

On the question, shall Mr. A. Lee be recalled?

The yeas and nays being required by Mr. [Meriwether] Smith,

New Hampshire,			*New York,*		
Mr. Whipple,	no	no	Mr. Jay,	ay	ay
Massachusetts Bay,			Duane,	ay	
Mr. S. Adams,	no	no	Morris,	ay	
Gerry,	ay		Floyd,	ay	
Lovell,	no		*New Jersey,*		
Holten,	no		Mr. Witherspoon,	no	no
Rhode Island,			Scudder,	no	
Mr. Ellery,	no	div.	Fell,	ay	
Collins,	ay		*Pennsylvania,*		
Connecticut,			Mr. Armstrong,	no	div.
Mr. Sherman,	no	no	Shippen,	no	
Spencer,	no		Atlee,	ay	
			Searle,	no	
			Muhlenberg,	ay	
			Wynkoop,	ay	

Delaware,			*North Carolina,*		
Mr. Dickinson,	ay	div.	Mr. Penn,	ay	ay
Vandyke,	no		Burke,	ay	
Maryland,			Sharpe,	ay	
Mr. Paca,	ay	ay	*South Carolina,*		
Carmichael,	ay		Mr. Laurens,	no	div.
Henry,	ay		Drayton,	ay	
Jenifer,	ay				
Virginia,					
Mr. Smith,	ay	ay			
R. H. Lee,	excused				
Griffin,	ay				
Fleming,	ay				

So the states were equally divided.

Adjourned to 10 oClock to Morrow.

TUESDAY, MAY 4, 1779

A petition, from Cornelius P. Low, was read:[1]

Ordered, That it be referred to a committee of three.

The members chosen: Mr. [Henry] Wynkoop, Mr. [Nathaniel] Scudder, [and] Mr. [James] Duane.

A letter from his most Christian Majesty, undersigned de Vergennes, was read, informing Congress of the birth of a princess; Whereupon,

Resolved, That the President, with a committee consisting of a member from each State, wait on the Minister Plenipotentiary of France and congratulate him on this event.

The members chosen, Mr. [William] Whipple, Mr. S[amuel] Adams, Mr. [William] Ellery, Mr. [Roger] Sherman, Mr. [James] Duane, Mr. [John] Witherspoon, Mr. [John] Armstrong, Mr. [John] Dickinson, Mr. [George] Plater, Mr. [Meriwether] Smith, Mr. [John] Penn, and Mr. [Henry] Laurens.

[1] This petition is in the *Papers of the Continental Congress*, No. 42, IV, folio 186.

Resolved, That a committee of three be appointed to prepare the draught of a letter in answer to that from his Most Christian Majesty:

The members chosen, Mr. [John] Jay, Mr. [Gouverneur] Morris, [and] Mr. [John] Witherspoon.

A letter, of April 30, from General Washington, was read, enclosing an extract of a letter, of 12 of the same month, from Major General Gates:

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

A memorial from Lieutenant Colonel Knobelauch, was read:[1]

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

The members chosen, Mr. [Henry] Laurens, Mr. [John] Armstrong, [and] Mr. [Thomas] Burke.

A memorial from William Story was read:

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

A letter, of April 29, from Colonel A. Spotswood, was read:

Ordered, That it be referred to the delegates of Virginia.

A memorial from Captain Jacobus Wynkoop, was read; Whereupon,

Congress took into consideration a report of the Marine Committee on a former memorial of Captain J. Wynkoop; and thereupon,

Resolved, That the memorialist be paid sixty dollars per month during the time he was in actual service.[2]

A letter, of 1st, from J. Trumbull, Jun. was read:

A letter, of 3, from the Board of War was read,[3] informing that fourteen Indians, most of them chiefs of the Delaware nation, who have manifested an uniform and strong attachment to the United States, are about four miles from town

[1] This memorial is in the *Papers of the Continental Congress,* No. 78, XIII, folio 507.

[2] This report is in the *Papers of the Continental Congress,* No. 41, X, folio 355. This was the pay of a captain of a continental frigate.

[3] Trumbull's letter is in the *Papers of the Continental Congress,* No. 78, XXII, folio 629; that of the Board of War, in No. 147, III, folio 303.

and will arrive this morning on a visit to Congress and the Commander in Chief:

Resolved, That a committee for Indian Affairs be appointed, to consist of five:

The members chosen, Mr. [James] Duane, Mr. [John] Armstrong, Mr. [Thomas] Burke, Mr. [Henry] Laurens, [and] Mr. [Roger] Sherman.

Ordered, That the letter, of the 3, from the Board of War, be referred to the foregoing committee.

A memorial from the hon^ble^ Sr. Gérard, minister plenipotentiary of France, was read.

A letter, of 3, from Leonard Albouy was read:[1]

Ordered, To lie on the table.

A petition from John Say was read:

Ordered, That it be referred to the Marine Committee.

A motion was made by Mr. [William] Ellery, seconded by Mr. [Henry] Laurens,

That the reports of the Board of Treasury and Board of War be postponed; on which the yeas and nays being required by Mr. [William] Ellery,

New Hampshire,			*New Jersey*,		
Mr. Whipple,	ay	ay	Mr. Scudder,	no	no
Massachusetts Bay,			Fell,	no	
Mr. S. Adams,	ay		*Pennsylvania*,		
Lovell,	ay	ay	Mr. Armstrong,	ay	
Holten,	ay		Shippen,	no	
Rhode Island,			Searle,	ay	ay
Mr. Ellery,	ay		Muhlenberg,	no	
Collins,	ay	ay	Wyncoop,	ay	
Connecticut,			*Delaware*,		
Mr. Sherman,	no		Mr. Van Dyke,	ay	ay
Spencer,	no	no	*Maryland*,		
New York,			Mr. Plater,	ay	
Mr. Jay,	ay		Carmichael,	ay	
Duane,	ay	ay	Henry,	ay	ay
Floyd,	ay		Jenifer,	ay	

[1] This letter is in the *Papers of the Continental Congress*, No. 78, I, folio 245.

Virginia,			*South Carolina,*		
Mr. Smith,	ay	*	Mr. Laurens,	ay	ay
Fleming,	ay		Drayton,	ay	
North Carolina,					
Mr. Burke,	ay	ay			
Sharpe,	ay				

So it was resolved in the affirmative.

The order of the day was called for, respecting the raising a brigade by the State of Rhode Island, and the amendment as amended being read, viz. "that Congress approve the raising of a brigade of 1500 men by the State of Rhode Island and Providence Plantations, for the common defence of that and the United States, for the space of one year, to be entitled to continental pay, cloathing and subsistence, and a bounty not exceeding one hundred and fifty dollars for every non-commissioned officer and soldier; upon condition that no farther or other wages be allowed to the said men by the said State than what is paid to other continental troops."

A motion was made by Mr. [William] Ellery, seconded by Mr. [John] Collins, to re-consider the latter part of the amendment, viz. "upon condition," &c.

On which the yeas and nays being required by Mr. [Gouverneur] Morris,[1]

New Hampshire,			*New York,*		
Mr. Whipple,	ay	ay	Mr. Jay,	no	no
Massachusetts Bay,			Duane,	no	
Mr. S. Adams,	ay	ay	Morris,	no	
Lovell,	no		Floyd,	no	
Holten,	ay		*New Jersey,*		
Rhode Island,			Mr. Witherspoon,	no	no
Mr. Ellery,	ay	ay	Scudder,	no	
Collins,	ay		Fell.		
Connecticut,					
Mr. Sherman,	ay	ay			
Spencer,	ay				

[1] This and the following vote are in the writing of George Bond.

Pennsylvania,		
Mr. Armstrong,	no	no
Atlee,	no	
Searle,	no	
Muhlenberg,	no	
Wynkoop,	no	
Delaware,		
Mr. Dickinson,	no	no
Vandyke,	no	
Maryland,		
Mr. Plater,	no	no
Carmichael,	no	
Henry,	no	
Jenifer,	no	
Virginia,		
Mr. Smith,	no	no
Griffin,	no	
Fleming,	no	
North Carolina,		
Mr. Penn,	no	no
Burke,	no	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	

So it passed in the negative.

On the question to agree to the amendment, so as that it pass into a resolution; the yeas and nays being required by Mr. [Gouverneur] Morris,

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Collins,	ay	
Connecticut,		
Mr. Spencer,	ay	ay
Sherman,	ay	
New York,		
Mr. Jay,	no	div.
Duane,	ay	
Morris,	no	
Floyd,	ay	
New Jersey,		
Mr. Witherspoon,	ay	ay
Scudder,	ay	
Fell,	no	
Pennsylvania,		
Mr. Armstrong,	no	no
Atlee,	no	
Searle,	no	
Wynkoop,	ay	
Delaware,		
Mr. Dickinson,	ay	ay
Vandyke,	ay	
Maryland,		
Mr. Plater,	no	no
Carmichael,	no	
Henry,	no	
Jenifer,	no	
Virginia,		
Mr. Smith,	no	no
Griffin,	no	
Fleming,	no	

North Carolina,			*South Carolina,*		
Mr. Penn,	no		Mr. Laurens,	ay	
Burke,	ay	ay	Drayton,	ay	ay
Sharpe,	ay				

So it was resolved in the affirmative.

Adjourned to 10 oClock to Morrow.

WEDNESDAY MAY 5, 1779

Mr. [John] Dickinson and Mr. N[icholas] Vandyke, two of the delegates of the State of Delaware, pursuant to the powers and instructions to them given, signed the Articles of Confederation in behalf of the said State.

A letter, of 4, from the Board of War, was read.[1]

The Committee on the Treasury brought in a report; Whereupon,

Resolved, That ten million one hundred dollars, in bills of credit of the United States, be emitted under the direction of the Board of Treasury and on the faith of the United States: that the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the first April last, and be numbered from the last number in each denomination progressively, and to consist of the following denominations, viz.

45,455 bills of	60	dollars each,	2, 727, 300
45,455 do.	50	-	2, 272, 750
45,455 do.	40	-	1, 818, 200
45,455 do.	30	-	1, 363, 650
45,455 do.	20	-	909, 100
45,455 do.	8	-	363, 640
45,455 do.	7	-	318, 185
45,455 do.	5	-	227, 275
			10, 000, 100[2]

[1] This letter, touching the cannon contract of Hughes, is in the *Papers of the Continental Congress*, No. 147, III, folio 307.

[2] This report, dated May 1, is in the *Papers of the Continental Congress*, No. 136, III, folio 215.

Ordered, That a warrant issue on Thomas Smith, Esq. commissioner of the continental loan office in Pensylvania, for eighty eight thousand dollars, payable in loan office certificates, and another warrant on the treasurer for thirty two thousand dollars, in favour of Joseph Carleton, paymaster to the Board of War and Ordnance, to be by them advanced on a contract for cannon and shot to Mr. Hughes, iron master of the works at Maryland, the said Joseph Carleton to be accountable.[1]

That a warrant issue on the treasurer, in favour of Doctor George Smith, for the sum of thirteen hundred seventy six dollars 22/90, equal to five hundred and fifty pounds ten shillings, New York currency, reported by John Welles and Edward Chinn, Esquires, commissioners of accounts, at Albany, to be due to him for cattle and forage taken by order of General Schuyler for the immediate subsistance of the militia and other troops assembled at Fort Edwards on the evacuation of Ticonderoga, his demand of recompence for the loss of fencing being rejected.[2]

The commissioners report,

That there is due to Felix Donnelly for victualling soldiers of the Pensylvania troops at Lancaster in May, 1776, and January, 1777, one hundred and ten dollars and 64/90 to be paid to Mr. Francis Bailey for his use.[3]

That there is due to the officers and privates of Colonel Henry Geiger's battalion from Northampton county, Pensylvania, for their pay in January, February and March, 1777, a ballance of seven hundred and ninety eight dollars and 34/90, to be paid to Joseph Dean, and by him transmitted to Colonel Geiger.

[1] This report, dated May 4, is in the *Papers of the Continental Congress*, No. 136, III, folio 289.

[2] This report, dated May 3, is in the *Papers of the Continental Congress*, No. 136, III, folio 287.

[3] This report, dated May 1, is in the *Papers of the Continental Congress*, No. 136, III, folio 285.

That there is due to Francis Hopkinson, his pay as treasurer of loans, from 28 January, to the 27 April, 1779, eight hundred and seventy five dollars, and for office rent, fire wood, postage, and stationary, during the same time, one hundred and fifty eight dollars and 14/90, making in the whole 1033 14/90 dollars.

That there is due to William Trickett for stationary, for the use of the Board of Treasury, one hundred and seven dollars and 54/90ths.

That there is due to the estate of William Baxter, deceased, his pay as colonel of a battalion of the Pensylvania flying camp, from October 23d, to November 16, 1776, inclusive, fifty dollars, to be paid to Joseph Hart, Esq., and by him transmitted to the widow, Elizabeth Baxter.[1]

Ordered, That the said accounts be paid.

A report of the commissioners of accounts was read, representing that they have discovered a mistake in the account of Steiner and Cist, for which a warrant issued on the 5th of April last, and have therefore stopped and returned the said warrant:

Ordered, That the said report be referred to a committee of three:

The members chosen, Mr. G[ouverneur] Morris, Mr. [William Henry] Drayton, and Mr. S[amuel] Adams.

The Committee on the Treasury, to whom were referred the letters from Jonathan Trumbull, Jun. administrator of the late Commissary General Joseph Trumbull, respecting the manner of settling the said account, report,

That during the life time of the said late Commissary General Trumbull, the commissioners of accounts for the middle department of accounts had orders from the Board of Treasury to settle all the accounts of the said late commissary:

[1] This report, dated April 28, is in the *Papers of the Continental Congress*, No. 136, III, folio 283.

That it was represented by the commissioners that the said accounts were not collected and ready for settlement:

That the commissary general's death put an end to the prospect of such settlement, and the said commissioners of accounts have been directed to repair to the Board of Treasury:

That there has been no want of care or attention in the Board of Treasury to get the said accounts settled, as appears by an official report of the commissioners' accounts for the middle department of accounts, a copy of which is annexed:[1]

That the committee are of opinion, that under the present circumstances it will be advisable to grant full power to Jonathan Trumbull, Jun. Esq. to settle and adjust, at the public expence, all the accounts of the several deputy commissaries and purchasers employed by or under the late Commissary Trumbull: Whereupon, Congress came to the following resolutions:

Whereas the accounts of the deputy purchasing and issuing commissaries, under the late Commissary General Joseph Trumbull, deceased, were unsettled at the time of his death, and still remain to be adjusted, and it is necessary that those accounts should be closed without delay:

Resolved, That Jonathan Trumbull, Jun. Esq. be, and he is hereby fully authorized and empowered to settle and adjust the said accounts, under the direction of the Board of Treasury.

On the question to agree to this, the yeas and nays being required by Mr. [John] Jay,

New Hampshire,			*Rhode Island*,		
Mr. Whipple,	ay	ay	Mr. Collins,	ay	ay
Massachusetts Bay,			*Connecticut*,		
Mr. S. Adams,	ay		Mr. Sherman,	ay	
Lovell,	ay	ay	Spencer,	ay	ay
Holten,	ay				

[1] The copy of this report of the commissioners of accounts, dated Hartford, August 30, 1778, is in the *Papers of the Continental Congress*, No. 136, III, folio 277.

New York,		
Mr. Jay,	no	ay
Duane,	ay	
Floyd,	ay	
New Jersey,		
Mr. Witherspoon,	ay	ay
Scudder,	ay	
Pennsylvania,		
Mr. Armstrong,	no	ay
Muhlenberg,	ay	
Wynkoop,	ay	
Delaware,		
Mr. Dickinson,	ay	ay
Vandyke,	ay	
Maryland,		
Mr. Plater,	no	ay
Carmichael,	ay	
Henry,	ay	
Jenifer,	ay	
Virginia,		
Mr. Smith,	ay	ay
R. H. Lee,	ay	
Fleming,	ay	
North Carolina,		
Mr. Burke,	no	no
Sharpe,	no	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	

So it was resolved in the affirmative.

Resolved, That the said Jonathan Trumbull be allowed a clerk to assist him, and be paid his expences and a reasonable compensation for his time and trouble, to be adjusted when the nature and extent of the services can be ascertained.

On this the yeas and nays being required by Mr. [Thomas] Burke,

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Collins,	no	no
Connecticut,		
Mr. Sherman,	ay	ay
Spencer,	ay	
New York,		
Mr. Jay,	no	ay
Duane,	ay	
Floyd,	ay	
New Jersey,		
Mr. Witherspoon,	ay	ay
Scudder,	ay	
Pennsylvania,		
Mr. Armstrong,	no	ay
Muhlenberg,	ay	
Wynkoop,	ay	
Delaware,		
Mr. Dickinson,	ay	ay
Vandyke,	ay	
Maryland,		
Mr. Plater,	ay	ay
Carmichael,	ay	
Henry,	ay	
Jenifer,	ay	

Virginia,			*South Carolina,*		
Mr. M. Smith,	no		Mr. Laurens,	ay	
R. H. Lee,	ay	ay	Drayton,	no	div.
Fleming,	ay				
North Carolina,					
Mr. Burke,	no				
Sharpe,	no	no			

So it was resolved in the affirmative.

Resolved, That the said Jonathan Trumbull shall take an oath for the faithful execution of this duty, to be administered by the Board of Treasury:

And it is recommended to the legislatures of the several states whom it may concern, to enact proper laws for facilitating the settlement of the said accounts, and compelling accountants and defaulters within their respective jurisdiction to settle their accounts and do justice to the public.[1]

Resolved, That Monday next be assigned for taking into consideration the subject of appointing an officer to relieve Major General Lincoln in the southern department.

The committee to whom was recommitted the report on the memorial from the inhabitants of Bermudas, brought in another report, which was read, and after some debate thereon

Adjourned to 10 o'Clock on Friday.

FRIDAY, MAY 7, 1779

A letter, of 3, from General Washington, enclosing extracts of letters from General Schuyler; also a letter, of April 25, from General Schuyler, were read:[2]

[1] This report, dated April 26, is in the *Papers of the Continental Congress*, No. 136, III, folio 273.

[2] The Washington letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 287. It is printed in *Writings of Washington* (Ford), VII, 429. The Schuyler letter is in the *Papers of the Continental Congress*, No. 153, III, folio 434.

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

A letter, of April 26, from W. Greene, governor of Rhode Island, was read; Whereupon,[1]

Resolved, That a copy of the said letter be transmitted to the Commander in Chief, and that he take such order thereon as the necessities of the State of Rhode Island may require and the good of the service admit.

Resolved, That it be, and it is hereby earnestly recommended to the states of New Hampshire, Massachusetts Bay and Connecticut, to furnish and keep up constantly in the State of Rhode Island and Providence Plantations, their several quotas of troops as adjusted by the resolution of a committee from the said states and the State of New York, which met at Springfield, in the State of Massachusetts Bay, the 30 day of July, 1777.

A letter from William Adams, surgeon of the Pensylvania artillery, was read, requesting leave to resign his commission on account of his ill state of health:

Ordered, That his resignation be accepted.

A memorial from Hannah Sweers was read.[2]

A letter, of April 27, from Major General Gates was read:

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

A letter, of 6, from Major de Bois was read:

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

A memorial from the hon^{ble} Sieur Gérard, minister plenipotentiary of France, was read:

Ordered, That the same be taken into consideration, together with the report of the committee on the Minister's former communications, &c. immediately after reading the journal to morrow morning.

[1] This letter is in the *Papers of the Continental Congress*, No. 64, folio 438.

[2] The Adams letter is in the *Papers of the Continental Congress*, No. 41, I, folio 33; the Sweers memorial, in No. 41, IX, folio 48.

A memorial from Leonard Albouy, Joseph Basden, and Nathaniel Prudden, was read;[1] Whereupon,

Congress resumed the consideration of the report of the committee to whom the memorial of divers inhabitants of the islands of Bermudas, dated the 28th March, 1779, was re-committed; wherein they represent,

"That from a re-consideration of the deplorable circumstances of those unhappy persons, who are deprived, as it hath been represented to your committee, of the means of supplying themselves with bread, which are allowed to other inhabitants who openly profess their attachment to the enemies of these states, they are of opinion, that it be recommended to the executive powers of the states of Pensylvania, Delaware, Maryland, Virginia and North Carolina, respectively to permit 1000 bushels of Indian corn to be exported from each of the said states for the relief of the distressed inhabitants of those islands:"[2]

To which a substitute was moved by Mr. [Thomas] Burke, seconded by Mr. [Gouverneur] Morris, in the following words:

That the memorialists be informed, that Congress deem it highly inexpedient to grant the prayer of their memorial.

On the question for adopting the substitute, the yeas and nays being required by Mr. [John] Jay,

New Hampshire,			*Connecticut,*		
Mr. Whipple,	ay	ay	Mr. Sherman,	ay	ay
Massachusetts Bay,			Spencer,	ay	
Mr. S. Adams,	ay		*New York,*		
Lovell,	no	ay	Mr. Jay,	no	
Holten,	ay		Duane,	ay	
Rhode Island,			G. Morris,	ay	ay
Mr. Ellery,	ay		Floyd,	ay	
Collins,	ay	ay			

[1] This memorial, dated May 7, is in the *Papers of the Continental Congress*, No. 41, I, folio 35.

[2] This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 25, I, folio 139.

New Jersey,		
Mr. Witherspoon,	ay	div.
Fell,	no	
Pennsylvania,		
Mr. Armstrong,	no	no
Shippen,	no	
Searle,	no	
Muhlenberg,	no	
Wynkoop,	ay	
Delaware,		
Mr. Vandyke,	ay	ay
Maryland,		
Mr. Plater,	no	ay
Carmichael,	ay	
Henry,	ay	
Jenifer,	ay	
Virginia,		
Mr. Smith,	ay	ay
R. H. Lee,	ay	
Fleming,	ay	
North Carolina,		
Mr. Burke,	ay	ay
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	no	div.
Drayton,	ay	

So the substitute was adopted.

On the question to agree to the substitute so as that it pass into a resolution; resolved in the affirmative.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, for eight hundred thousand dollars; in favour of the State of Maryland, which is to be accountable; the said sum to be paid to the delegates of that State, and by them transmitted to Governor Johnson for the purchase of flour for the continental army.[1]

That a warrant issue on the treasurer, in favour of John Biddle, Isaac Howell, Peter Thomson, Isaac Snowden and Nathaniel Faulkner, inspectors of the press, for the sum of five thousand dollars, to be advanced them on their accounts, and for which they are to be accountable.

That another warrant issue on the treasurer in favour of the said inspectors, for six hundred and fifty nine dollars and 30/90,

[1] This report, dated May 5, is in the *Papers of the Continental Congress*, No. 136, III, folio 293.

~~to discharge a bill from Barge and Syng for sum given~~ to defray sundry contingent expences attending the emissions of bills of credit.[1]

That a warrant issue on the treasurer, in favour of Joseph Carleton, for eight hundred dollars, in full of his account as paymaster to the Board of War and Ordnance.

Resolved, That the claims of Colonel Johnson, for purchasing arms and cloathing, ought to be settled agreeable to a resolution of Congress of 4th September last, and if no allowance has been made in the adjustment of his account with the auditors of the main army for expences on business not incidental to his office, that they be directed to ascertain the time in which he was so employed, and make him an allowance accordingly: that no charges for expences and services in recruiting his regiment other than what are authorized by resolutions of Congress, nor the difference in value between gold advanced in the year 1776 and bills of credit received for the same in the year 1778, as set forth in his petition to the hon^ble^ council of Pensylvania, can be admitted or allowed.

Resolved, That for the speedy supply of the money for exchanging the emissions of May 20, 1777, and April 11, 1778, bills of 70 and 80 dollars be struck in lieu of the denominations of 7 and 8 dollars, ordered by a resolution of Congress of January 14, 1779: that for this purpose, instead of 116,280 bills of the denominations of 20, 8, 7, 5, 4, 3, 2, 1, respectively, there shall be emitted, 31,427 bills, each of the denominations of 80, 70, 20, 5, 4, 3, 2, 1, which will reduce the sum ordered to be struck by the resolution aforesaid five dollars.

[1] This report is in the *Papers of the Continental Congress*, No. 136, III, folio 295. The sum in the second paragraph was made up of two items: one, for 569 30/90 dollars, to pay printers "employed in continental work from the 10 November, 1778, to the 3d of May instant;" and another, for 90 dollars, "to pay the printers of continental currency for extra work done by them on holy days, viz. April 2d, 4th and 5th."

Larger denominations according to a Resolution of the 14th January 1779

116, 280	Bills of 65 dollars	7, 558, 200
116, 280	do do 60 do	6, 976, 800
116, 280	do do 55 do	6, 395, 400
116, 280	do do 50 do	5, 814, 000
116, 280	do do 45 do	5, 232, 600
116, 280	do do 40 do	4, 651, 200
116, 280	do do 35 do	4, 069, 800
116, 280	do do 30 do	3, 488, 400
		44, 186, 400 dollars

Denominations to be emitted by the present Resolution

31, 427	Bills of 80 dollars	2, 514, 160
31, 427	do do 70 do	2, 199, 890
31, 427	do do 20 do	628, 540
31, 427	do do 5 do	157, 135
31, 427	do do 4 do	125, 708
31, 427	do do 3 do	94, 281
31, 427	do do 2 do	62, 854
31, 427	do do 1 do	31, 427
		5, 813, 995
		44, 186, 400
		50, 000, 395 [1]

On the question to agree to this resolution, the yeas and nays being required by Mr. [John] Jay,

New Hampshire,			*Connecticut,*		
Mr. Whipple,	ay	ay	Mr. Sherman,	no	no
Massachusetts Bay,			Spencer,	no	
Mr. Gerry,	ay	*	*New York,*		
Holten,	ay		Mr. Jay,	no	
Rhode Island,			Duane,	ay	ay
Mr. Collins,	ay	ay	Floyd,	ay	

[1] This report, dated April 15, is in the *Papers of the Continental Congress*, No. 136, III, folio 251.

New Jersey,		
Mr. Witherspoon,	ay	ay
Fell,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Shippen,	ay	
Muhlenberg,	ay	
Wynkoop,	ay	
Delaware,		
Mr. Vandyke,	ay	ay
Maryland,		
Mr. Plater,	ay	ay
Carmichael,	ay	
Henry,	ay	
Jenifer,	ay	
Virginia,		
Mr. Smith,	no	ay
Griffin,	ay	
Fleming	ay	
North Carolina,		
Mr. Burke,	no	no
Sharpe,	no	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	

So it was resolved in the affirmative.

The commissioners report,

That they have examined the account of Major General R. Howe, for his travelling expences, with that of his suite, from Charleston, South Carolina, to Philadelphia, and find it amounts to 6063 60/90 dollars, and that he has received of Benjamin Harrison, deputy pay master general in Virginia, 1000 dollars, which leaves a balance of 5063 60/90 dollars, due to the said Major General R. Howe.

That there is due to Captain William Bratton, for pay &c. of his company of the 6th, now 7th Pensylvania regiment, commanded by Colonel William Irwin, a ballance of one thousand and sixty one dollars and 69/90ths.[1]

Ordered, That the said accounts be paid.

The committee, to whom was referred the letter from the lieutenant governor of South Carolina, brought in a report; whereupon,

Resolved, It is the opinion of this Committee that the southern army, now acting in defence of South Carolina and Georgia, ought to be reinforced without delay.

[1] This report, dated May 5, is in the *Papers of the Continental Congress*, No. 136, III, folio 291.

Resolved, That the recruits lately raised and raising in Virginia, to compleat the said State's quota of troops for the continental army, be ordered with all possible expedition to join the southern army in South Carolina [and Georgia][1]:

That Bland's and Baylor's regiments of light Dragoons be ordered on the same service, and that the colonels of those regiments be authorized and enabled to engage as many men as they have horses and accoutrements to equip.[2]

That Colonel Bland's regiment of light dragoons be ordered to join the southern army as expeditiously as possible:

That the commanding officer of Colonel Baylor's regiment of light dragoons, be directed to order as many of the dismounted men of the said regiment as Colonel Bland has spare horses for, to join Colonel Bland without delay:

That the said commanding officer be directed to detach all the mounted and equipped men of the said regiment, under officers proportioned to the number of men, to join Colonel Bland's regiment, and proceed therewith to reinforce the southern army:

That Mr. President write a letter to the governor of Virginia, requesting, in the name of Congress, that the new levies in Virginia may be furnished with the cloaths promised them by law, as speedily as possible, and if this cannot be immediately done, that the State use its influence to induce the men to proceed, with satisfactory assurances that the cloathing shall follow as soon as possible.

Resolved, That as the State of North Carolina hath but two regiments of its quota now with the main army, it will be expedient that the said State supply the rest of its quota for defence of the more southern states.[3]

Resolved, That the state of North Carolina be earnestly requested to complete its quota of troops in the most expe-

[1] Words in original report.

[2] The three succeeding paragraphs were substituted for this. They are, in the writing of Thomas Burke, on folio 363.

[3] This paragraph was struck out.

ditious mode; [and that the third, fourth, fifth and sixth continental regiments raised in that state, be employed in the southern service.][1]

TREASURY OFFICE *May 7th 1779.*

The Committee on the Treasury beg leave to report:

That the Commissary General of purchases, having appropriated the sum of 4,200,000 dollars, advanced him the 25th March last, applies for a further supply of four million five hundred thousand; and that the Quarter Master General, in addition to the sum of 5,000,000 dollars advanced him the 5th April last, applies this day for five million more, "which sum" (Mr. Pettit in his letter to the Committee says) he "Imagines will be necessary in the course of this month." That the expences of the Commissary and Quarter Master General's departments, now at the rate of 120 million dollars a year, increase (as they ever have) with much greater rapidity than the quantity of money. That in the year 1776 the expence of both those departments was 5,399,219 dollars; in the year 1777, 9,272,534; in the year 1778, 37,202,421; and from the increasing demands this year there is reason to apprehend, if the money should continue to be current, it will be at least 200,000,000, unless measures are speedily taken to put the Finances of the United States on a better footing. The Committee beg leave further to represent that by the best calculations they are able to make the Continental currency at this time in circulation, including so much of the emissions of May 20th, 1777, and April 11th, 1778, as have not been loaned to the public, does not amount to a greater sum than 120,000,000 dollars, and admitting 20 millions to be sufficient for a circulating medium instead of 30 millions (which is generally supposed to be necessary), the depreciation according to the quantity should be but six times greater than it was in the year 1776, and 32,035,214 should be the expence of those departments this year. But if, in consequence of the war, a large allowance be made for the rise of labour and produce, and it is supposed that the expence of these departments should now be six times as much as it was in the year 1777, the amount would then be but 55,635,204 dollars, instead of 200,000,000.

Your Committee beg leave once more to represent the distress they feel on the public account from these great and growing evils.

[1] Words in brackets were inserted by John Jay. This report, in the writing of Richard Henry Lee, is in the *Papers of the Continental Congress*, No. 20, II, folio 361.

They have stated their opinion in a report on finance now before Congress, and sincerely wish that some measures may be speedily adopted for preventing a further depreciation of the currency, which threatens a total dissolution of the public credit.[1]

Adjourned to 10 o Clock to Morrow.

SATURDAY, MAY 8, 1779

A letter, of 5th, from General Washington, was read:[2]

Ordered, That it be referred to the committee appointed to prepare an address to the several states.

That two members be added to that committee.

The members chosen, Mr. S[amuel] Adams, and Mr. [Thomas] Burke.

"Friends and Fellow Citizens:

"The great military exertions, and the insidious negotiations carried on by the King of Great Britain against these United States, have hitherto in a great measure been rendered vain, under the favor of Heaven by your United efforts. Our duty to God, to mankind to posterity and to ourselves, calls upon us to continue those efforts to the utmost of our abilities in order that by vigorous exertions we may make such effectual impressions on the enemy as will at length compel them to abandon their iniquitous design of conquest, and to yield to reasonable terms of peace.

"The arduous contest with Great Britain in its commencement was sustained under almost every possible disadvantage, and it has been conducted with such success as manifests to us the peculiar favor of Divine Providence. We have happily formed very powerful alliances, and the war is now in such a situation that the ultimate objects of these United States may speedily be established on foundations so firm as not hereafter to be shaken by the power or policy of our enemies, Provided such exertions shall be made as are in our power, and which the favorable conjuncture demands.

"Wherefore, we your Representatives in Congress do announce to you that the present campaign will afford an opportunity to bring the

[1] This report is in the *Papers of the Continental Congress*, No. 132, III, folio 297.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 291. It is printed in *Writings of Washington* (Ford), VII, 433.

war to a happy conclusion; but that the most vigorous efforts of these states will be necessary. Such efforts will be called for, according to the nature of the intended operations. And it is hereby in the most earnest manner recommended to the legislatures of the States respectively to invest their respective executive powers with ample authority to call forth and direct their force against the common enemy; to each executive power to make with all possible expedition such arrangements as may effect the most decisive movements, and to our generous fellow citizens to act with the vigor becoming men contending for every thing which can secure the dignity and happiness of themselves and their posterity, and which is necessary for the establishing of the honor and independence of our country."[1]

According to the order of the day, Congress proceeded to consider the memorial of the Minister Plenipotentiary of France read yesterday, and the report of the committee on former communications of the said minister, &c. and some time being spent thereon,

According to order, Congress resumed the consideration of the report of the committee of the whole; and the proposition under debate when the subject was last before Congress being read, to wit:

"That the right of fishing on the coasts and banks "of North America be reserved to the United States "as fully as they enjoyed the same when subject to the "king of Great Britain, excepting always what shall "have been excepted by the treaty of Paris between "France and the United States, the whole to be ex- "plained by the treaties of Utrecht and of Paris with "Great Britain, and of Paris with the United States of "North America."

A substitute was moved by Mr. [Gouverneur] Morris, seconded by Mr. [Thomas] Burke, in the words following:

Whereas this Congress did on the fourth day of July, 1776, declare the several colonies by them represented to be free and independent states, that they were

[1] This paper, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 24, folio 255.

absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain was and ought to be totally dissolved; and that, as free and independent states, they had full power to levy war, conclude peace, contract alliances, establish commerce, and do all other acts and things which independent states might of right do; and for the support of that declaration, with a firm reliance on the protection of divine Providence, did mutually pledge to each other their lives, their fortunes, and their sacred honour.

And whereas this Congress did resolve on the 22d day of April, 1778, That the said states could not with propriety hold any conference or treaty with any commissioners on the part of Great Britain, unless they should as a preliminary thereto, either withdraw their fleets and armies, or else in positive and express terms acknowledge the independence of the said states.

And whereas this Congress, in a letter of the 17th day of June, 1778, from their President to the British commissioners, signed by their unanimous consent, did declare themselves inclined to peace, and that they would be ready to enter upon the consideration of a treaty of peace and commerce not inconsistent with treaties already subsisting, when the King of Great Britain should demonstrate a sincere disposition for that purpose: And whereas it is agreed in the treaty of alliance between the Most Christian King and the United States, that neither of the parties should conclude either truce or peace with Great Britain without the formal consent of the other first obtained; and it is mutually engaged that the said parties should not lay down their arms until the independence of the United States should have been formally or tacitly assured by the treaty or treaties that should terminate the war.

And whereas his Most Christian Majesty therein guaranties on his part, to the United States, their liberty, sovereignty and independence, absolute and unlimited, as well in matters of government as of commerce.

And whereas from information lately received, it is probable that a treaty of peace may soon be set on foot on the preliminary acknowledgment of the independence of the said states: And whereas, considering the exhausted situation of the said states, the derangement of their finances, and the defect of their resources, it is highly expedient to put a stop to the present destructive war: Therefore,

Resolved, That this Congress will agree to a treaty of peace with Great Britain, provided the absolute and unlimited liberty, sovereignty and independence of these United States, as well in matters of government as of commerce, shall be thereby acknowledged and assured; and provided, that no terms or articles shall be therein contained which are inconsistent with, or repugnant to, the treaties already subsisting between the Most Christian King and these United States.[1]

An objection was made to this, as being out of order. And on the question, Is this substitute in order, the yeas and nays being required by Mr. [Gouverneur] Morris—

New Hampshire,		*Connecticut*,	
Mr. Whipple,	no	Mr. Sherman,	no
Massachusetts Bay,		Spencer,	no
Mr. S. Adams,	no	*New York*,	
Gerry,	no	Mr. Jay,	ay
Lovell,	ay	Duane,	ay
Holten,	no	Morris,	ay
Rhode Island,		Floyd,	ay
Mr. Ellery,	no		
Collins,	no		

[1] This paper, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 36, III, folio 505. The vote, in the writing of Charles Thomson, is noted upon it.

New Jersey,			
Mr. Witherspoon,	no		
Scudder,	no	}	no
Fell,	ay		
Pennsylvania,			
Mr. Armstrong,	no		
Shippen,	no		
Searle,	no	}	no
Muhlenberg,	no		
Wynkoop,	ay		
Delaware,			
Mr. Dickinson,	ay	}	div.
Vandyke,	no		
Maryland,			
Mr. Plater,	ay		
Paca,	ay		
Carmichael,	ay	}	ay
Jenifer,	ay		
Virginia,			
Mr. Smith,	ay		
R. H. Lee,	no	}	div.
Griffin,	no		
Fleming,	ay		
North Carolina,			
Mr. Burke,	ay	}	ay
Sharpe,	ay		
South Carolina,			
Mr. Laurens,	no	}	div.
Drayton,	ay		

[It appears that Georgia had no representative in Congress when this vote was taken.]

So it passed in the negative.

Adjourned to 10 oClock on Monday.

MONDAY, MAY 10, 1779

A letter, of 7th, from General Washington, was read, enclosing an extract of a letter from General Schuyler, with an account of Colonel Van Schaick's expedition against Onondaga; also a report by Colonels Davies and Harrison of their conferences with the British commissioners on the subject of a cartel for the mutual exchange of prisoners: [1]

Ordered, That the letter from General Washington be referred to the Board of War.

[1] Washington's letter is in the *Papers of the Continental Congress,* No. 152, VII, folio 295; the two enclosures are on folios 299 and 301; the report of the cartel is in No. 28, folio 1.

That the extract of the letter from General Schuyler, with the account of Colonel Van Schaick's expedition, be referred to the Committee of Intelligence.

Resolved, That the thanks of Congress be presented to Colonel Van Schaick, and the officers and soldiers under his command, for their activity and good conduct in the late expedition against the Onondagas.

Resolved, That Congress approve of the conduct of Colonels Davies and Harrison, in the course of their conferences with the British commissioners on the subject of a cartel for the mutual exchange of prisoners.

Ordered, That the report of Colonels Davies and Harrison to the Commander in Chief, of their conferences aforesaid, be published.

Resolved, That copies of the said report be transmitted to the American prisoners with the enemy; and that it be, and hereby is earnestly recommended to them to persevere in enduring their captivity with the magnanimity and patience by which they have hitherto been distinguished, and that they be assured of the constant endeavors of Congress to render their situation as convenient as the nature of things will admit.

A letter, of this day, from Colonel L. Nicola, was read:

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

A letter, of April 29, from General Schuyler, was read:[1]

Ordered, That it be referred to the Committee on Indian Affairs.

A letter, of 22 September, from Benjamin Franklin, Arthur Lee and John Adams, commissioners of the United States of of America at the court of Versailles, in favour of Jonathan Loring Austin, and a memorial from the said Jonathan Loring Austin, were read:[2]

[1] Nicola's letter is in the *Papers of the Continental Congress*, No. 163, folio 23; that of Schuyler, in No. 153, III, folio 442.

[2] This memorial is in the *Papers of the Continental Congress*, No. 41, I, folio 39.

Ordered, That the same be referred to the Board of Treasury.

A letter, of 8, from W. Livingston, governor of New Jersey, was read,[1] enclosing a representation of the legislative council and general assembly of the State of New Jersey.

Resolved, That the President inform the governor of New Jersey, that as soon as Congress shall have concluded their deliberations on certain affairs of great moment now before them, the circumstances of the army shall be duly considered, and due attention shall be paid to the subject matter of his letter and the paper therein enclosed.

Ordered, That the representation of the legislative council and general assembly of the State of New Jersey be referred to the Board of War.

A memorial from the honb^le^ Sr Gérard, minister plenipotentiary of France, was read:

Ordered, That it be referred to the committee appointed to superintend the departments of the commissary and quarter master general.

Ordered, That a copy of the said letter be transmitted to the Commander in Chief, and that he consider himself at liberty so to direct the military operations of these states as shall appear to him most expedient.[2]

A letter, of April 23, from P. Henry, governor of Virginia, [to the Delegates of Virginia] was read:

Ordered, That it be referred to the Board of War, and that they take order thereon.

[1] This letter and representation are in the *Papers of the Continental Congress*, No. 68, folios 449, 451.

[2] "The Intelligence conveyed by the Letter from the Minister is important, and may occasion alterations in the Plan for the ensuing Campaign. Congress confide fully in your Excellency's Prudence and Abilities; and I am directed to signify to you their wish, that neither an undue Degree of Delicacy or Diffidence may lead you to place too little Reliance on your own Judgment, or pursuade you to make any further Communications of your Designs than necessity or high Expedience may dictate." *Jay to Washington*, May 10, 1779. Washington Papers, *Letters to Washington*, 32, folio 245.

A letter of M. de Francy was read, accompanied with a memorial respecting M. de Beaumarchais' affairs, which was in part read:[1]

Ordered, That the reading of the remainder be postponed till to morrow.

Adjourned to 10 oClock to Morrow.

TUESDAY, MAY 11, 1779

Congress resumed M. de Francy's memorial, which being read,

Ordered, That it be referred to a committee of five, and that they be directed to confer with M. de Francy on the subject.

The members chosen, Mr. [Henry] Laurens, Mr. [Meriwether] Smith, Mr. [William] Carmichael, Mr. [John] Dickinson, and Mr. [James] Searle.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. R[oger] Sherman, delegate from the State of Connecticut, for two thousand dollars, on his application, for which that State is to be accountable.

That a warrant issue on the treasurer, in favour of Colonel Edward Wigglesworth, for thirty three thousand three hundred and thirty three dollars and 30/90, in discharge of a bill, dated 27th April last, drawn by Major General Gates on the President of Congress, for that sum, which being delivered to Benjamin Stelle, deputy paymaster at Rhode island, as per receipt, is to be charged to Ebenezer Hancock, Esq. deputy paymaster general in Boston, who is to be furnished with a copy of this resolve.

That a warrant issue on the treasurer, in favour of Ignatius Labat, for seven thousand two hundred and thirteen dollars,

[1] Henry's letter is in the *Papers of the Continental Congress*, No. 71, I, folio 221; that of Francy, dated the 7th, in No. 78, IX, folio 257.

in discharge of a bill of the 2d April last, drawn in his favour by Brigadier General McIntosh, and that the sum be charged to Colonel John Gibson of the 13th Virginia regiment, agreeable to his receipt of the date aforesaid.

That on the application of Charles Pettit, assistant quarter master general, a warrant issue on the treasurer, in favour of Major General Greene, Q. M. G., for five million dollars, for the use of his department and for which the said quarter master general is to be accountable.

That a warrant issue on the treasurer, in favour of Jeremiah Wadsworth, Esq. commissary general of purchases, on the application of Messrs. Chaloner and White, his agents, for four million five hundred thousand dollars, for the use of his department, and for which the said commissary general is to be accountable.

That on the application of the Marine Committee a warrant issue on the treasurer in their favour for five hundred thousand dollars, for the use of the navy board of the eastern district, the said committee to be accountable.

That a warrant issue on the treasurer, in favour of Major de Bois, for the sum of nine hundred and sixty dollars, it being in full of his account for one years pay.[1]

A letter of this day, from Brigadier du Portail, was read:[2] Whereupon,

Congress taking into consideration a report from the Board of War, relative to the corps of sappers and miners,

AT A BOARD OF WAR, *March 27th, 1779.*

Present, Col Pickering and Mr Peters.

The Board have agreeably to the orders of Congress formed regulations for the government of the Engineers and companies of Sappers and Miners. They would have reported on the travelling expences of

[1] This report, dated May 8, is in the *Papers of the Continental Congress*, No. 136, III, folio 299. The paragraph on Major De Bois was based on his letter of May 6.

[2] The letter of Du Portail is in the *Papers of the Continental Congress*, No. 164, folio 342.

Engineers, but were informed that a general regulation as to all Officers on Command was about to be made by Congress, and it was thought best, to avoid comparisons and jealousies, that the Engineers should partake of the same regulation, and if at any time extra allowances were necessary, it would be better to make them in every particular case, than to establish a rule for the Engineers only. The Board not conceiving themselves authorized to settle the pay under the power given them to *make regulations* have agreed to report to Congress:

Resolved, That the pay and subsistence of the engineers and of the officers and men of the companies of sappers and miners, shall be the same with those of officers of the like ranks and of the men in the artillery of these states:

That Brigadier General du Portail be appointed commandant of the corps of engineers and companies of sappers and miners.[1]

A letter, of 10th, from Gustavus Risberg, deputy commissary general of issues, was read;[2] Whereupon,

Congress taking into consideration a report of the Board of War relative to the deputy commissaries of issues and a report relative to the officers in the department of the quarter master general,

AT A BOARD OF WAR, *15th April, 1779.*

Present, Col Pickering and Mr Peters.

It having been represented that from the advanced price of the necessaries of life the pay of the Officers in the Department of the Commissary General of Issues has become totally inadequate for their support, by which many have already resigned, and others alledge they will be obliged to leave the Department unless some additional provision is made for them. Therefore agreed to report to Congress.

Resolved, That the pay of 200 dollars per month be allowed to the deputy commissary general of issues, to commence from the 1st day of January last:

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

[2] The letter of Risberg is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 219.

That the assistant commissaries of issues at [1] every magazine, post, or brigade of the army, be allowed 90 dollars per month, and the clerks of the commissary general, and deputy commissary general of issues, the sum of 80 dollars per month:

That the clerks of the brigade commissaries, and those at posts and magazines, be allowed 50 dollars per month; but no such clerk to be employed where the daily issues do not equal 400 rations:

That a clerk of the scales be allowed 35 dollars per month:

That every deputy commissary general of issues be entitled to forage for two horses:

~~On the question to agree to this, the yeas and nays being required by Mr. [Samuel] Holten,~~

~~New Hampshire,~~		
~~Mr. Whipple,~~	~~ay~~	~~ay~~
~~Massachusetts Bay,~~		
~~Mr. S. Adams,~~	~~no~~	~~no~~
~~Gerry,~~	~~ay~~	
~~Holten,~~	~~no~~	
~~Rhode Island,~~		
~~Mr. Ellery,~~	~~ay~~	~~ay~~
~~Collins,~~	~~ay~~	
~~Connecticut,~~		
~~Mr. Sherman,~~	~~no~~	~~div.~~
~~Spencer,~~	~~ay~~	
~~New York,~~		
~~Mr. Jay,~~	~~ay~~	~~ay~~
~~Duane,~~	~~ay~~	
~~Morris,~~	~~ay~~	
~~New Jersey,~~		
~~Mr. Fell,~~	~~ay~~	*
~~Pennsylvania,~~		
~~Mr. Armstrong,~~	~~no~~	~~ay~~
~~Searle,~~	~~ay~~	
~~Muhlenberg,~~	~~ay~~	
~~Wynkoop,~~	~~ay~~	
~~Maryland,~~		
~~Mr. Plater,~~	~~ay~~	~~div.~~
~~Carmichael,~~	~~no~~	
~~Henry,~~	~~no~~	
~~Jenifer,~~	~~ay~~	
~~Virginia,~~		
~~Mr. Smith,~~	~~ay~~	~~ay~~
~~Lee,~~	~~excused~~	
~~Griffin,~~	~~ay~~	
~~Fleming,~~	~~ay~~	
~~North Carolina,~~		
~~Mr. Penn,~~	~~ay~~	~~ay~~
~~Burke,~~	~~ay~~	
~~Sharpe,~~	~~ay~~	
~~South Carolina,~~		
~~Mr. Laurens,~~	~~ay~~	~~ay~~

~~So it was resolved in the affirmative.~~

[1] From this point the entries are in the writing of George Bond.

That every brigade commissary be entitled to forage for one horse; and whensoever the duty of the department requires the commissaries at posts and magazines to travel, the quarter master at the post shall furnish an horse for the occasion:

When the duty of an assistant commissary absolutely requires that he should travel, he shall be allowed three dollars for every day he shall so necessarily travel, for and towards his expences on the journey:

That the deputy commissaries general of issues shall once in six months visit all the magazines, posts and issuing stores in their respective districts, to examine the state of the provisions and stores, and see that their assistants are punctual in the discharge of their duty; and they shall be allowed three dollars per day for their travelling expences in making such circuits:

That an accurate list of all the commissaries of issues be made out once in every three months and lodged with the Board of War; and every such commissary who shall have been in the department for one year, previous to this date, and now continues therein, shall be entitled to draw out of the cloathier general's store one suit of cloaths for himself and one suit for his clerk, to be paid for at the same rate that officers in the line are charged for the same: and that they continue annually to do the same until Congress shall order otherwise.[1]

AT A BOARD OF WAR, *23rd April, 1779.*

Present, Col Pickering and Mr Peters

The Board taking into consideration General Green's letter of the 15th inst, referred from Congress, and conceiving that the reasons therein offered for an augmentation of pay to several of the Officers employed in the Quarter Master Generals Department, are deserving of attention, and that some alterations in the system of his department are requisite: beg leave to Report to Congress.

[1] This report, dated April 15, is in the *Papers of the Continental Congress*, No. 147, III, folio 209. It is endorsed "Bro't in, 19th April."

Resolved, That all deputy quarter masters general who transact business upon commissions, shall not be entitled either to pay or rations; but where they act without receiving such commissions, whether stationed at a post or with the army, they shall be allowed 200 dollars per month, two rations per day, and 40 dollars per month subsistence:

That the pay of an assistant quarter master be 140 dollars per month, and the usual rations and subsistence:

That the pay of a deputy waggon master general be 100 dollars per month, and one ration [per day], and 20 dollars per month subsistence; and that a waggon master be allowed 80 dollars per month, one ration per day, and 10 dollars per month subsistence:

That a deputy commissary general of forage attending the main army, or attached to an army in a separate department, be allowed the same pay and rations as a deputy quarter master general acting without commissions:

That the assistant commissaries of forage either attending the army to collect forage on a march, or those employed in purchasing under the principal purchasers in districts, shall have the same allowance as the assistant deputy quarter masters general: and the forage masters who attend the receipt and issues of forage at posts or magazines, and one with each brigade of the army, be allowed the same pay and rations as waggon masters:

That all staff officers who serve with the army shall be allowed cloathing on the same conditions as officers in the line, provided they engage for a year or longer.[1]

The committee appointed to inquire into the state of the Pensylvania troops, and to report whether an additional brigadier is wanting for the troops of that State, and to whom was referred a letter from Mr. President Reed to the delegates

[1] This report is in the *Papers of the Continental Congress*, No. 147, III, folio 231. At this point Thomson resumed the entries.

of the State of Pensylvania, which was laid before Congress 26 January last, brought in a report, and the same being read:

That Benedict Arnold was promoted to the Rank of Brigadier General in the Army of the United States on the 10th of January, 1776.

That Arthur St. Clair was promoted to the same Rank on the 9th of August in the same year, and to the rank of Major General on the 19th of Febuary in the year 1777.

That on the 12th of November, 1777. Congress adopted a principle for settling the relative Rank of the officers in the Army of the United States viz.

"According to that standing they held in the Army immediately before their present Commissions, except where persons are promoted upon a principle of merit only."

Your Committee are of opinion that agreeably to this principle General St. Clair cannot take rank of General Arnold.

With respect to the State of the Pennsylvania Troops your Committee Report:

That the said State has Eleven Battalions in the Continental Service.

That the Soldiers in the same are for the most part (as set forth in the Resolutions of the Council of the said State) enlisted during the war.

That a German Battalion in the Service of the United States is supplied by the said State and Maryland in conjunction.

That the proportion of General officers for the said quota, agreeably to the arrangements of the Continental Army, is as follows viz:

Two Major Generals, four Brigadier Generals.

That the said officers ought to be inhabitants of the State of Pennsylvania at the time of promotion, agreeably to the principle, that every State should have officers in proportion to the Soldiers furnished from her Citizens.

That the general officers hereafter named, and none others now in the Continental Service, were inhabitants of the State of Pennsylvania at the time of promotion to wit:

Major General St. Clair, Brigadiers Thompson, Wayne, and Hand.

That one addition[al] Major General ought to be promoted from among the Brigadiers who are now Citizens of the State of Pennsylvania.

That after such promotion two Brigadiers only will remain who were Inhabitants of the said State at the time of promotion. Therefore the two Colonels from the line of the said State ought to be promoted to the rank of Brigadier.

That Brigadier General Thompson, and Colonel McGaw, who are first in their respective ranks in the said line, are now Prisoners with the Enemy, and therefore cannot be promoted; but so soon as their promotion shall take place, their relative rank, will be regulated by the Resolution of 12th November.

That Brigadier General Anthony Wayne, is the next Senior Brigadier, and Colonel William Irvin is the next Senior Colonel in the line of the said State.

That the relative rank of the said officers in case of promotion will be regulated and preserved by the Resolution aforesaid.[1]

January 10th, 1776, Benedict Arnold was promoted to the Rank of Brigadier General in the Army of the United States.

March 1st of the same year, John Armstrong and several other officers were promoted to the same rank.

August 9th of the same year, Arthur St. Clair was promoted from the rank of Colonel to that of Brigadier.

February 19th, 1777, Brigadier St. Clair was promoted to the rank of Major General.

May 2d of the same year, Brigadier Arnold was promoted to the same rank.

On the 12 of November following, Congress by a Resolution confirmed a principle recommended by a board of General Officers for settling the relative rank of Officers in the Continental Line, according to that standing they held in the army immediately before their present Commissions, except where persons are promoted on a principle of merit only.

In the report made by the said General Officers is the following passage: "We have had retrospect no farther than to the rank they held before their last promotion." From this State, it appears that General Arnold had rank as brigadier General of Generals Armstrong and St. Clair immediately before their last promotion, and therefore

[1] This report, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 20, II, folio 51a.

that the supposed Grievance to Pennsylvania in this particular, is a mistake.

General Armstrong resigned his commission as brigadier, April the 4th, 1777, which being prior to the promotion of General Arnold to the rank of Major General could not be occasioned thereby; this suggestion is without foundation.

Your Committee further report that the State of Pennsylvania having 11 Battalions in Service, and one half a German Battalion, in Company with the State of Maryland, two Major Generals, and four Brigadier Generals, Inhabitants of the said State of Pennsylvania, ought to be in Commission in the Continental Service, on the Principle that every State ought to have Military Officers from her own Citizens in proportion to the Number of her Citizens that are in the ranks.

That at present the State of Pennsylvania has only one of her Citizens in the rank of Major General, to wit Major General St. Clair, and only three in the rank of Brigadiers, to wit, Brigadiers Thompson, Wayne and Hand.

That it will be proper to promote one of the said Brigadiers to the rank of Major General; in Consequence whereof, only two will remain; and two Colonels, Citizens of Pennsylvania, ought to be promoted to the rank of Brigadiers.

That Brigadier General Thompson, and Colonel Robert McGaw each of whom is Senior in his respective rank in the Pennsylvania Line, are now Prisoners of War, and therefore cannot be at present promoted.

That whenever the said officers, or any others shall be promoted, they will take rank, agreeable to the Principle laid down in the resolution of November the 12th, 1777.

Your Committee also report, that by the fourth resolution of the Council of Pennsylvania, relative to General Hand, a mistaken principle of promotion is held up. *No* State is supposed to have an Exclusive right to the *Nomination* of Officers for promotion, nor is any Delegate in Congress excluded from Nominating from States which he does not represent. In the *Election*, but not in *Nomination*, the Congress has regard to the Quotas of the States, and Seniority of rank, and the Principle that always governs with respect to the Quota is that above Suggested, namely, that the Troops of each State should have a proportional Number and rank of Officers to the Numbers supplied. In this View General Hand, being an Inhabitant

of Pennsylvania, however Nominated, must be considered as part of the Quota of Pennsylvania. And as no one State can make or reject General officers, so this resolution of the Council of Pennsylvania cannot be adopted. Neither can the first resolution, relative to the apportionment of General Officers, being founded on a Principle and practice not known to, or admitted by Congress.

That as to the admission of the field Officers of the Troops of North Carolina, such Admission, if it did happen, can avail nothing, officers in the Army not being competent to admit or reject officers of any rank, much less of the rank of Generals. But as they could not know the circumstance of a Nomination in Congress, so it may be presumed this is a mistake; as is the Suggestion that the same was admitted by the Delegates from that State at the time when the Committee of Arrangements made report, there being no delegates from that State present in Congress.[1]

Resolved, That an additional brigadier be appointed for the Pensylvania troops, and that to-morrow be assigned for the appointment.

Colonel W. Irwine [was] nominated by the committee.

Resolved, That the farther consideration of the report be postponed.

Ordered, That the committee appointed to prepare an answer to the letter lately received by Congress from his Most Christian Majesty, do also report the draft of a representation to the King of France, stating the difficulties to which these States are exposed in obtaining arms, military and naval stores, and clothing for the American army and navy, requesting his Majesty to order them to be furnished with the necessary supplies, and pledging to him the faith of these States for the repayment of such sums, with interest, as may be advanced on their account, as soon as the restoration of peace shall enable them to make the necessary remittances.

That the said representation contain strong assurances of the confidence of Congress in the friendship of his Majesty, and of their determination to evince the sense they entertain of it by a uniform adherence to the principles of the alliance.

[1] This paper, undated and in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 21, folio 151.

That the Marine Committee and Board of War lay before Congress, as soon as possible, a list of articles necessary to be imported for the use of their respective departments.[1]

Adjourned to 10 oClock to Morrow.

WEDNESDAY, MAY 12, 1779

An appeal from the judgment of the court of Admiralty for the State of Massachusetts bay, on the libel George Wait Babcock *v.* ship *Nancy*, was lodged with the Secretary and referred to the Committee on Appeals.

A letter, of this day, from Leonard Albouy, was read; Whereupon a motion being made,[2]

Ordered, That the letter and motion be referred to a committee of three:

The members chosen, Mr. [Nathaniel] Scudder, Mr. [Henry] Laurens, and Mr. [William] Paca.

A letter, of 7, from Board of War was read;[3] Whereupon,

Resolved, That the resignation of Lieutenant Vallance and Ensign Brush of Colonel Warner's regiment, be accepted.

A memorial of Pierre Dereville was read:

Ordered, That it be referred to the Marine Committee, and that they take order thereon.

A memorial from the Rev. Eleazar Wheelock was read:[4]

Ordered, That it be referred to the Committee on Indian Affairs.

The Committee of Foreign Affairs laid before Congress a letter, of April 13, from W. Bingham, at Martineco, which was read:

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

[2] This letter is in the *Papers of the Continental Congress*, No. 78, I, folio 249.

[3] This letter is in the *Papers of the Continental Congress*, No. 147, III, folio 311.

[4] This memorial, dated April 2, is in the *Papers of the Continental Congress*, No. 41, X, folio 383.

Ordered, That the intelligence therein contained respecting Count d'Estaing be communicated to the honble Sr. Gérard, minister plenipotentiary of France.

Congress proceeded to the election of a Brigadier for the State of Pensylvania, and the ballots being taken,

Colonel William Irvine was elected.

Resolved, that the Reports of the Boards of Treasury and of War be postponed.

Congress resumed the consideration of the report of the committee on the communications from the Minister Plenipotentiary of France, &c. and some time being spent thereon,

Congress resumed the consideration under debate on the 8th instant; and the proposition being read, "That the right of fishing," &c.

A substitute was moved by Mr. [Thomas] Burke, seconded by Mr. [James] Duane, in the words following, to wit:

"That the ministers of these United States be in-
"structed on a negotiation for peace, to obtain for
"these United States an explicit acknowledgment of a
"common right to fish every where on the high seas,
"and as near the coasts of the territories which shall
"remain in the possession of Great Britain as is per-
"mitted to any other nation; provided always, that
"all exclusive rights to fishing of the allies of these
"United States shall not be affected by any such ac-
"knowledgment. And in case such acknowledgment
"shall be refused, and our allies can be prevailed on
"to assist in the prosecution of the war, no peace be
"agreed to on the part of these United States. But in
"case our allies shall not agree to assist in prosecuting
"the war, the said ministers be instructed to consent to
"a peace without such acknowledgment; provided,
"that the claim of these states to such right of fishing
"shall, in no event, be given up."

After some debate, another substitute, in lieu of the whole, was moved by Mr. [Gouverneur] Morris, seconded by Mr. [Meriwether] Smith, in the words following:

"That if the court of Great Britain shall immedi-"ately acknowledge the independence of the United "States of America, then, that an equal share of the "fisheries with Great Britain, as far as the same can "be obtained consistently with the treaty of Paris be-"tween France and the United States, be required and "insisted on; but that, if Great Britain shall continue "to prosecute the present iniquitous and destructive "war, then, that eventual engagements be taken to "exclude her from the fisheries, and divide the same "equally between France, Spain, and America."

A motion was made by Mr. [Richard Henry] Lee, seconded by Mr. [Roger] Sherman, to strike out the words, "that if the court of Great Britain shall immedi-"ately acknowledge the independence of the United "States of America, then."

The question, Shall those words stand, passed in the negative; and the words were struck out.

Another amendment was moved by Mr. R[ichard] H[enry] Lee, seconded by Mr. [Elbridge] Gerry, to strike out the words "as far as the same can be ob-"tained."[1]

Adjourned to 10 oClock to Morrow.

THURSDAY, MAY 13, 1779

The Committee on the Treasury brought in a report; Whereupon,

Resolved, That a copy of the letter of September 22, 1778, from Messrs. Franklin, Lee and Adams, late commissioners

[1] These proceedings were entered only in the manuscript Secret Journal, Foreign Affairs.

of the United States, together with a copy of the memorial from Jonathan Loring Austin, be transmitted to the honourable council of the State of Massachusetts bay, who are requested to make a proper allowance to Mr. Austin, for his time and expences in carrying to France the account of the surrender of General Burgoyne's army at Saratoga, and to transmit an account thereof to the Board of Treasury, with information of the mode in which they desire a reimbursement of the said allowance.[1]

Ordered, That Joseph Carleton, Esq., paymaster to the Board of War and Ordnance transmit to William Palfrey, Esq. paymaster general the five hundred thousand dollars, ordered the 27 April last to be sent to Thomas Reed, assistant paymaster at Albany.[2]

Ordered, That a warrant issue on the treasurer, in favour of Robert Wilson, for sixteen hundred and thirty seven dollars and 45/90ths, being the amount of an account reported by the commissioners of accounts at Albany, to be due to Patrick Smith for forage and other necessaries taken by order of Major General Schuyler for the public service and endorsed to the said Wilson.[1]

That a warrant issue on the treasurer in favour of Mr. W[illiam] Floyd, delegate from the State of New York, on his application, for two thousand dollars, the said State to be accountable.

That a warrant issue on the treasurer, in favour of Philip Audibert, for two thousand five hundred dollars, to answer a draught on the President of Congress in his favour, of 3d instant, drawn by William Palfrey, Esq. paymaster general and expressed to be for value received for the use of the

[1] These two paragraphs formed a report of the committee, dated May 12, in the *Papers of the Continental Congress*, No. 136, III, folio 309.

[2] This report, dated May 8, is in the *Papers of the Continental Congress*, No. 136, III, folio 303.

forces of the United States of America, the said paymaster general to be accountable.[1]

The commissioners report,

That there is due to the officers and privates of Colonel Lewis Nicola's invalid regiment, their pay and subsistance for the month of March last, two thousand three hundred dollars and 4/90ths.

That there is due to Robert Patton, his pay as messenger to Congress, from the 1st January to the 7th instant, inclusive, five hundred and eight dollars.

That there is due to the Rev. Lewis Lotbinier his pay and subsistance as chaplain to Colonel James Livingston's regiment, from 11 April, to 10th instant, inclusive, sixty dollars.

That there is due to William Trickett for stationary for the use of the Secretary's office, two hundred and fifty two dollars and 42/90ths.[2]

Ordered, That the said accounts be paid.

The Board of War, to whom was referred the application of Mons. Compty, report,

"That Mons. Compty's authority from the Marquis de Brétigny, is 'to inlist for such a space of time as the French volunteers shall be kept up and no longer, any number of effective Frenchmen:' that it appears the corps to be commanded by the Marquis is merely temporary: that the expence of inlisting, equipping, and supporting the small number of Frenchmen that can be obtained here, and who must be sent to a considerable distance, will be great: that if the men should be inlisted for a length of time, Congress may be embarrassed after the dissolution of the temporary corps, which may happen on or before the arrival of the

[1] This report, dated May 11, is in the *Papers of the Continental Congress*, No. 136, III, folio 307. It also contained the nominations of Round and Comegys to be signers of bills of credit.

[2] This report, dated May 10, is in the *Papers of the Continental Congress*, No. 136, III, folio 305

inlisted men at Carolina, either with applications for increasing the small number of inlisted men to a regiment, or in what manner to dispose of them:" Whereupon,

Resolved, That considering the circumstances and distant situation of the corps, it is inexpedient to comply with Mons. Compty's request.[1]

The Board of War, to whom was referred the petition of Captain John Baptist Allen, report,

That they have carefully examined the same, together with the papers therein referred to, and are of opinion, that the petition of John Baptist Allen, who, being a captain in Colonel J. Livingston's regiment, was cashiered by sentence of a general court martial, and now prays to be reinstated in his post, be dismissed, as there are no sufficient reasons for the interference of Congress in the case:[2]

Resolved, That Congress agree to the said report.

The Board of War, to whom was referred a letter of William McKissack, with a pay roll enclosed, report, "that they deem themselves incompetent to the settlement of it;" Whereupon,

Resolved, That the same be referred to the Board of Treasury, to take such order thereon as they shall judge necessary.[3]

Resolved, That the report of the Board of War on the letter from Lieutenant Colonel Knoblauch be referred to the committee on the letter from said Lieutenant Colonel Knoblauch.

The Board of War having reported as their opinion, That a sum of money be paid to Mons. de Guijon to enable him to prosecute his voyage to France,

[1] This report, dated April 29 (present, Pickering and Peters), is in the *Papers of the Continental Congress*, No. 147, III, folio 291.

[2] This report, dated April 29 (present, Pickering and Peters), is in the *Papers of the Continental Congress*, No. 147, III, folio 249. Many papers relating to the case are on the subsequent folios.

[3] This report, dated February 26, is in the *Papers of the Continental Congress*, No. 147, III, folio 79.

AT A BOARD OF WAR, *April 22nd, 1779.*

Mons^r De Guijon, a Lieutenant of Dragoons in the service of France, was sent from York Town with General M^cIntosh to be employed as he thought proper. He acted as a Lieutenant in a Regiment at Fort Pitt. General M^cIntosh represents his conduct in a favorable point of view. He now applies for farther employment; but on being told he cannot have it, he agrees to return to France, if furnished with some means to get there. The Board being of opinion that it is better to grant him a sum of money to enable him to embark than to retain him here at expence of the United States, beg leave to report:

That the sum of dollars be paid to Mon^sr De Guijon to enable him to prosecute his voyage to France, it being impracticable to employ him in the service of these States consistent with the present arrangement of the Army.[1]

On the question to agree to the report,

Passed in the negative.

A letter from Major [John Skey] Eustace was read:

Ordered, To lie on the table.

A letter, of April 23, from W. Finnie, deputy Q. M. G., was read:[2]

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

On the recommendation of the Board of Treasury,

Resolved, That Hampton Round and Cornelius Comegys be appointed signers of bills of credit of the United States.[3]

The Board of War report,

"That they have taken into consideration the reference from Congress relative to the promotion of Brigadier Moultrie,[4] and are of opinion, that it would be inexpedient to promote Brigadier Moultrie, unless a more general promotion

[1] This report is in the *Papers of the Continental Congress*, No. 147, III, folio 221.

[2] The Eustace letter is in the *Papers of the Continental Congress*, No. 78, VIII, folio 323; that of Finnie, in No. 78, IX, folio 253.

[3] See note on p. 583, *ante*.

[4] The original report continued: "and the proposed appointment of two Major Generals, are of opinion, that as the State of South Carolina hath a Major General and two Brigadiers appointed from the officers of their troops, that number of general officers is sufficient for the number of their forces" &c.

took place, as some other states think themselves entitled to a promotion of their general officers; but as it may excite uneasiness and difficulties unless a continental officer commands the army in the southern district, it will be best to make a special appointment of Brigadier Moultrie, to be commandant of the southern army;" Whereupon,

Resolved, That Brigadier General Moultrie be commander, in the absence of Major General Lincoln, of the southern army, during its continuance to the southward of North Carolina, with the allowance of major general on a separate command, until the further order of Congress.[1]

Resolved, That to morrow immediately after reading the journal, Congress proceed in the consideration of the report of the Board of Treasury relative to finance.

That Saturday next be assigned for the appointment of a cloathier general.

Congress proceeded to the consideration of the report of the committee on the communications of the Minister, &c.

The subject resumed, and on motion of Mr. [Meriwether] Smith, seconded by Mr. [Roger] Sherman,

Resolved, That the words "can be obtained" be struck out; and in their room the word "is" inserted; and that the word "consistently" be changed into "consistent."

The substitute being amended to read, "that an equal share of the fisheries with Great Britain, as far as the same is consistent with the treaty of Paris between France and the United States, be required and insisted on, but that if," &c. to the end.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Richard Henry] Lee, to amend the first part as far as the words "insisted on," by substituting in lieu thereof the words following:

[1] This report, dated April 23 (present, Pickering, Spencer, and Peters), is in the *Papers of the Continental Congress*, No. 147, III, folio 235. The last paragraph was "reconsidered" and "agreed."

"That a common right with Great Britain to the fish-"eries on the coasts and banks of North America be "required and insisted on, preserving inviolate the treaty "of Paris between France and these United States."

To which it was moved by Mr. [James] Duane, seconded by Mr. [William Henry] Drayton, to add, "pro-"vided our allies can be prevailed on to prosecute the "war; but in no event shall the right or claim of these "states to the said fisheries be yielded up or impaired."

A question being taken, Is this addition in order,

Resolved in the affirmative.

An amendment to the proviso was moved by Mr. Dickinson, seconded by Mr. [John] Penn, instead of the words "can be prevailed on to prosecute the war," to insert, "shall be in circumstances to prosecute the war "with effect."

A question being taken, Is this amendment in order,

Resolved in the affirmative.

On the question to agree to the amendment, the yeas and nays being required by Mr. [William Henry] Drayton,

New Hampshire,			*New York,*		
Mr. Whipple,	no	no	Mr. Jay,	ay	ay
Massachusetts Bay,			Duane,	ay	
Mr. S. Adams,	no	no	Floyd,	ay	
Gerry,	no		*New Jersey,*		
Lovell,	no		Mr. Scudder,	no	div.
Holten,	no		Fell,	ay	
Rhode Island,			*Pennsylvania,*		
Mr. Ellery,	no	no	Mr. Armstrong,	no	no
Collins,	no		Shippen,	no	
Connecticut,			Searle,	no	
Mr. Sherman,	no	no	Muhlenberg,	no	
Spencer,	no		Wynkoop,	ay	

Delaware,			*North Carolina,*		
Mr. Dickinson,	ay	ay	Mr. Penn,	ay	
Maryland,			Burke,	ay	ay
Mr. Plater,	ay		Sharpe,	ay	
Paca,	ay		*South Carolina,*		
Carmichael,	ay	ay	Mr. Laurens,	no	div.
Henry,	ay		Drayton,	ay	
Jenifer,	ay				
Virginia,					
Mr. Smith,	no				
R. H. Lee,	no	no			
Fleming,	ay				

So it passed in the negative.[1]

After some time spent thereon:

Adjourned to 10 oClock to Morrow.

FRIDAY, MAY 14, 1779

After reading the journal, Mr. M[eriwether] Smith arose, and in his place informed the House, that he saw printed in a newspaper, entitled *Royal Gazette,* published in New York by James Rivington, a letter written by Henry Laurens, and directed to Governor Houston, of Georgia, which contained matter derogatory to the honor of Congress, injurious to the interest of these United States, and tending to destroy that confidence which the states should repose in that body; and therefore he moved as a matter of privilege, that the said letter be read, and that Mr. Laurens be called on to declare whether he wrote that letter:

Objections were made to the said motion, as out of order, being contrary to the order of yesterday, "'that after reading the journal this morning, the report on finance should be considered;" but Mr. [Meriwether] Smith insisting on his

[1] These proceedings were entered only in the manuscript Secret Journal, Foreign Affairs.

motion as a matter of privilege, the debate was proceeding on the question of order, when intelligence was communicated to the House in the words following:

Extract of a letter from his Excellency Thomas Johnson, Esq. dated Annapolis, 12 May, 1779, to Colonel Henry Hollingsworth.

SIR: Last night Captain Hanson, with whom Captain Plunket was agoing as a supercargo, put back to this place; they inform they saw a frigate, a brig of about 14 or 16 guns, a small armed vessel or two, and two prizes in the bay. Hanson narrowly escaped being taken: Captain Jack Nicholson was drove ashore on or near Gwin's Island. Yesterday near the mouth of Patuxent they met with one Mr. Robinson in a boat belonging to Choptank bound down the bay. Robinson told them that on Monday morning he spoke a schooner in the mouth of Puankatank bound to sea, and chased in by a fleet of between 20 and 30 sail, among them several large ships: that she made this fleet off the Horse-shoe on Saturday morning, but it being hazy, they could not make out the exact number: that there were several sloops and schooners amongst them: we have yet heard nothing farther. I am, sir, your obedient servant,

THOMAS JOHNSON.[1]

Whereupon, a motion was made by Mr. R[ichard] H[enry] Lee, seconded by Mr. S[amuel] Adams, that the consideration of the question of order be postponed, until order be taken on the intelligence aforesaid.

On this question, the yeas and nays being required by Mr. [Meriwether] Smith,

New Hampshire,			*Connecticut,*		
Mr. Whipple,	ay	ay	Mr. Sherman,	ay	ay
Massachusetts Bay,			Spencer,	ay	
Mr. S. Adams,	ay		*New York,*		
Gerry,	ay	ay	Mr. Jay,	ay	
Lovell,	ay		Duane,	ay	ay
Holten,	ay		Floyd,	ay	
Rhode Island,			*New Jersey,*		
Mr. Ellery,	ay	ay	Mr. Scudder,	ay	
			Fell,	ay	ay

[1] This extract is in the *Papers of the Continental Congress*, No. 70, folio 317.

Pennsylvania,			
Mr. Armstrong,	ay		
Shippen,	ay		
Atlee,	ay		
Searle,	ay	ay	
Muhlenberg,	ay		
Wynkoop,	ay		
Maryland,			
Mr. Plater,	ay		
Paca,	ay		
Carmichael,	ay	ay	
Henry,	ay		
Jenifer,	ay		
Virginia,			
Mr. Smith,	no		
R. H. Lee	ay		
Griffin,	ay	ay	
Fleming,	ay		
North Carolina,			
Mr. Penn,	ay		
Burke,	ay	ay	
Sharpe,	ay		
South Carolina,			
Mr. Laurens,	ay		
Drayton,	ay	ay	

So it was resolved in the affirmative.

The intelligence being again read,

Resolved, That the said intelligence be committed to the Board of War, and that they be directed to take measures to prevent any stores from falling into the hands of the enemy, should the fleet in the said intelligence mentioned, attempt a descent any where in the bay of Chesapeake or the rivers that empty therein: and that copies of the said letter be transmitted to the Commander in Chief, the president of Pensylvania, and the governor of Delaware.

Congress resumed the consideration of the question under debate, and a division being called for by Mr. [James] Duane,

On the question, is the motion of Mr. [Meriwether] Smith for reading the letter referred to in his information, in order;

The yeas and nays being required by Mr. [Henry] Laurens,

New Hampshire,			
Mr. Whipple,	no	no	
Massachusetts Bay,			
Mr. S. Adams,	no		
Gerry,	no		
Lovell,	no	no	
Holten,	no.		
Rhode Island,			
Mr. Ellery,	no	no	
Connecticut,			
Mr. Sherman,	no		
Spencer,	no	no	

New York,		
Mr. Jay,	ay	ay
Duane,	ay	
Floyd,	ay	
New Jersey,		
Mr. Scudder,	no	no
Fell,	no	
Pennsylvania,		
Mr. Armstrong,	no	no
Shippen,	no	
Atlee,	ay	
Searle,	no	
Muhlenberg,	no	
Wynkoop,	ay	
Maryland,		
Mr. Plater,	ay	ay
Carmichael,	ay	
Jenifer,	ay	
Virginia,		
Mr. Smith,	ay	div.
Lee,	no	
Griffin,	no	
Fleming,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Burke,	ay	
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	no	div.
Drayton,	ay	

So it passed in the negative.

On the question, is that part of Mr. [Meriwether] Smith's motion, "that Mr. Laurens be called on to declare whether he wrote that letter," in order;

The yeas and nays being required by Mr. [Henry] Laurens,

New Hampshire,		
Mr. Whipple,	no	no
Massachusetts Bay,		
Mr. S. Adams,	no	no
Gerry,	no	
Lovell,	no	
Holten,	no	
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Sherman,	no	no
Spencer,	no	
New York,		
Mr. Jay,	no	no
Duane,	no	
Floyd,	no	
New Jersey,		
Mr. Scudder,	no	*
Pennsylvania,		
Mr. Armstrong,	no	no
Shippen,	no	
Atlee,	no	
Searle,	no	
Muhlenberg,	no	
Wynkoop,	no	
Maryland,		
Mr. Plater,	no	no
Carmichael,	no	
Jenifer,	no	

Virginia,			*South Carolina,*		
Mr. Smith,	no		Mr. Laurens,	no	
R. H. Lee,	no	no	Drayton,	no	no
Griffin,	no				
Fleming,	no				
North Carolina,					
Mr. Penn,	no				
Burke,	no	no			
Sharpe,	no				

So it passed in the negative.

Resolved, That the order of the day be postponed.

Adjourned to 10 oClock to Morrow.[1]

SATURDAY, MAY 15, 1779

After reading the journal, Mr. [Henry] Laurens arose, and with the leave of the House read in his place a paper which he delivered in, and which being read at the table, was ordered to be entered on the journal, and is as follows:

"Mr. President, the motion which was made yesterday by one of the honorable delegates from Virginia, for reading a presumed copy of a letter said to have been written by me, and printed in the garrison of the enemy on New York island, and for calling upon me to declare whether I had written such a letter, appeared to me to be irregular, unprecedented, and full of dangerous consequences, derogatory to the honor and dignity of Congress, and alarming to the free and independent citizens of these United States: thence arose those cautions and admonitions which a sense of duty prompted me to offer to the House while the subject was under debate, and I rejoice in that wisdom which was displayed by the House in overruling the attempt.

"Sir, had the gentleman who made the motion called on me, and in proper terms enquired whether the printed letter was a copy of an original address from me to Governor

[1] A petition of David McMurtrie, of this date, is in the *Papers of the Continental Congress*, No. 42, V, folio 126.

Houston, I would have given him all the satisfaction that could have been desired by any man of true honor.

"And now, sir, as, if I have been guilty of aught criminal, or have inadvertently expressed any thing amiss in my correspondence as a private citizen with Mr. Houston, I would rather receive a censure or a reproof from Congress than be charged with a want of candour, or commit my conduct to the whispers of malice, I take the liberty of informing Congress that I did, on the 27 August, write a private letter to Governor Houston.

"If the House shall judge it proper to determine by a vote that they may of right demand a copy of that private letter, and shall in consequence of such vote call on me, or if Congress shall be pleased by a vote to direct their President in writing to request me to lay before them a copy of that letter, I will, in either case, produce a genuine and true copy, reserving to myself in the mean time the privilege of voting, as I certainly should vote if I were not a party concerned.

"I confide in the candor of the House to order this address to be entered on the journal, and if the House shall be pleased to call for, or request a copy of my letter, I shall expect that will also be entered on the journal. 15 May, 1779."

On the question for entering the above on the journal, the yeas and nays being required by Mr. [Henry] Laurens,

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Collins,	ay	
Connecticut,		
Mr. Sherman,	ay	ay
New York,		
Mr. Jay,	ay	*
New Jersey,		
Mr. Scudder,	ay	*
Pennsylvania,		
Mr. Armstrong,	ay	ay
Shippen,	ay	
Searle,	ay	
Muhlenberg,	ay	
Wyncoop,	ay	

Maryland,			*North Carolina,*		
Mr. Plater,	ay	ay	Mr. Penn,	ay	ay
Henry,	ay		Burke,	ay	
Jenifer,	ay		*South Carolina,*		
Virginia,			Mr. Drayton,	ay	ay
Mr. Smith,	ay	ay			
R. H. Lee,	ay				
Fleming,	ay				

So it was resolved in the affirmative.

Mr. [Meriwether] Smith then moved, seconded by Mr. [John] Penn,

That the sense of the House be expressed, whether the motion he made yesterday was an attempt "irregular, unprecedented, and full of dangerous consequences, derogatory to the honor and dignity of Congress, and alarming to the free and independent citizens of these United States."

A motion was made by Mr. [Thomas] Burke, seconded by Mr. [Cyrus] Griffin, as a substitute to the foregoing, in the words following:

"That, by the vote for entering on the journal the paper delivered in by Mr. [Henry] Laurens, Congress did not mean to give any opinion on the suggestion therein contained, that the motion made by Mr. [Meriwether] Smith was unprecedented and full of dangerous consequences, derogatory to the honor and dignity of Congress, and alarming to the free and independent citizens of these United States."

On the question, shall this be received as a substitute,

The yeas and nays being required by Mr. [Henry] Laurens,

New Hampshire,			*Connecticut,*		
Mr. Whipple,	ay	ay	Mr. Sherman,	ay	ay
Massachusetts Bay,			Spencer,	ay	
Mr. S. Adams,	ay	ay	*New York,*		
Lovell,	ay		Mr. Jay,	no	no
Holten,	ay		Duane,	no	
Rhode Island,			Floyd,	ay	
Mr. Ellery,	ay	ay			

New Jersey,			*Virginia,*		
Mr. Scudder,	ay	*	Mr. Smith,	no	
Pennsylvania,			R. H. Lee,	ay	div.
Mr. Shippen,	ay		Griffin,	ay	
Atlee,	no	ay	Fleming,	no	
Searle,	ay		*North Carolina,*		
Muhlenberg,	ay		Mr. Penn,	no	
Maryland,			Burke,	ay	no
Mr. Plater,	no		Sharpe,	no	
Carmichael,	no	div.	*South Carolina,*		
Henry,	ay		Mr. Laurens,	ay	div.
Jenifer,	ay		Drayton,	no	

So it was resolved in the affirmative.

On the question to agree to the substitute as a resolution, resolved in the affirmative.

A letter, of 24 April, from J. Powell, president of the council of Massachusetts bay to the delegates of that State, was read:

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

A letter, of 15, from Brigadier W. Irvine was read:[1]

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

Adjourned to 10 oClock on Monday next.

MONDAY, MAY 17, 1779

A letter, of this day, from Leonard Albouy and others was read;[2] whereupon the committee on a former letter from Mr. Albouy brought in a report, which was read:

Your Committee to which was referred a motion on Mr. Albouy's letter of the 12th instant, beg leave to report:

That, having paid particular attention to every Circumstance which may authenticate the accounts of the Distresses of the Bermudians, and collected a Number of important Vouchers in their Favor, and

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XIII, folio 105.

[2] Albouy's letter is in the *Papers of the Continental Congress*, No. 78, I, folio 257; a second paper is on folio 287.

being moreover assured by the Minister of France that his Court will cordially acquiesce in any Measures which the Policy of Congress may adopt in favor of those suffering Islanders, they are of opinion that the Resolution of the [7] Day of [May] ought to be reconsidered.[1]

Ordered, That it be re-committed.

Ordered, That the letter of this day from Leonard Albouy be referred to the said committee.

A letter, of the 16, from General Washington, was read, enclosing a letter of intelligence from Colonel Ford, and copies of sundry papers that passed between him and Brigadier McIntosh, and in which he informs that he thought it his duty to submit these last papers to the consideration of Congress, that it may decide whether the reasons given in his letter from Colonel Hamilton are sufficiently cogent to postpone an enquiry for the present:[2]

Resolved, That Congress are well satisfied with the reasons for postponing the enquiry.

Ordered, That the said papers be filed at the Board of War.

A letter, of April 24, from J. Rutledge, governor of South Carolina, to the delegates of that State, was laid before Congress and read.

A letter, of 11, from General Washington, was read, enclosing copies of sundry papers relative to the officers of the New Jersey brigade; and an extract from Colonel Wadsworth's letter of May 2; copy of Colonel Champion's letter of the same date to Colonel Wadsworth; and an extract of a letter from Colonel G. Morgan, of April 29, to Mr. Flint:[3]

Ordered, That so much of the General's letter, and of the papers enclosed as relate to the commissary's department be

[1] This report, in the writing of Nathaniel Scudder, is in the *Papers of the Continental Congress*, No. 78, I, folio 261.

[2] Washington's letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 345; that of Ford is on folio 369; and the enclosures on folios 349–362.

[3] Rutledge's letter is in the *Papers of the Continental Congress*, No. 72, folio 490; that of Washington, in No. 152, VII, folio 311.

referred to the committee for superintending the commissary and quarter master general's departments.

That the papers relative to the officers of the New Jersey brigade be referred to the Board of War.

A letter, of 14, from General Washington was read, enclosing a copy of a letter, of 9th, from Colonel George Morgan, and of a speech of Indian chiefs, and the General's answer:

Ordered, That the same be referred to the Committee on Indian Affairs.

A letter, of April 2, and one of April 15, from Major General Lincoln, were read, enclosing a paper respecting Captain John Peter André Dufau: [1]

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

A memorial from John Blair was read:

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

A letter, of April 16, from P. Henry, governor of Virginia, to the delegates of that State, was read:

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

Resolved, That on every Monday, Wednesday, and Friday, immediately after the reading of the journal and despatches, the reports on finance be considered until a decision is obtained thereon, and that no other business shall on any of those days be taken up, unless by unanimous consent of the members.

The Committee on the Treasury brought in a report: Whereupon,

Resolved, That the auditors of the main army be authorized to establish a general rule for making allowances to recruiting officers for the incidental expences of drums, fifes, and cockades, reporting the same to the Board of Treasury.

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VII, folio 331. It is printed in *Writings of Washington* (Ford), VII, 452. The letter of Morgan is in No. 152, VII, folio 335, and the Indian talks on folios 339 and 343. The letter of Lincoln is in No. 158, folio 247, and the Dufau paper is on folio 251.

That the allowance made to Captain McLane in the settlement of his accounts by the auditors of the army, being agreeable to the resolutions of Congress for recruiting and subsisting the Continental battalions, your committee are restrained from increasing the allowance according to the prayer of his petition.[1]

Agreed

The Committee on the Treasury having reported,

That in obedience to the order of Congress they have referred the accounts of General Count Pulaski's legion to the auditors of accounts for the main army: that for want of regularity in keeping those accounts and of proper vouchers, agreeable to the directions of Congress and the Board of Treasury, Auditor Johnston has reported to them that it is impracticable to settle the said accounts, as appears from his report and remarks accompanying their report:

Resolved, That the commanding officer of the detachment of the army serving in South Carolina and Georgia, be authorized to appoint a pay master for the said legion; and that Captain Baldesqui, the present pay master, be detained until he shall have produced competent vouchers, and settled the accounts of the said legion.[2]

The Committee on the Treasury report,

"That Congress did, on the 1st day of August, 1777, appropriate one million of dollars for the service of Georgia; That several sums of money were from time to time drawn out of the treasury in favour of the said State, and in part of the said grant; That a warrant was drawn by the President of Congress on John Gibson, auditor general, dated the 1st day of September, 1777, in favour of the delegates of Georgia, for nineteen thousand dollars advanced to enable them to discharge two bills drawn on them by the Governor of that State, for the purpose of recruiting the 3rd Georgia battalion; one of them for fourteen thousand dollars, in favour of Captain

[1] This paragraph was not entered in the Journals.

[2] This report, dated May 15, is in the *Papers of the Continental Congress*, No. 136, III, folio 311.

Thomas Scott, and the other in favour of Captain Clement Nash for five thousand dollars. That on the same day Mr. Nathan Brownson, one of the delegates of the said State, did draw an order on the said Auditor General, for the payment of the said 14,000 dollars, to Captain Scott, part of the said warrant, which was accordingly done as appears by a receipt on the back of the said order; That Mr. Joseph Wood, another of the delegates of the State of Georgia, did afterwards receive of the said Auditor General the full amount of the aforesaid warrant, without discounting the sum which had been paid in the order of the said N. Brownson, as appears by two receipts, endorsed on the said warrant, under the hand of the said Joseph Wood; one of them, dated 23rd December, 1777, for six thousand dollars; and the other by a warrant on the treasurer, for which the said Auditor General is accountable, dated 11 February, 1778, for the sum of thirteen thousand dollars, granted expressly to enable him to discharge the residue of the said warrant of 1st September last, in favour of the delegates of Georgia; which two receipts amount to 19,000 dollars, the sum mentioned in the said warrant, from all which, it appears that the said Auditor General has advanced for the said State of Georgia, fourteen thousand dollars beyond the warrant of Congress, for which he ought to have a voucher; And that the last mentioned sum of 14,000 dollars fully compleats the said grant of one million of dollars for the service of Georgia." Whereupon,

Resolved, That a warrant issue on the treasurer in favour of John Gibson, auditor general, for fourteen thousand dollars, being the sum he so paid to the said Scott, on the order of the said Nathan Brownson, on the 1 September, 1777, on account of the State of Georgia, and for which the said State is to be accountable.[1]

[1] This report, dated May 17, is in the *Papers of the Continental Congress*, No. 136, III, folio 313. The account with the State of Georgia is on folio 317.

The Board of War having reported on sundry matters referred to them:

AT A BOARD OF WAR, *May 15, 1779.*

Present, General Spencer, Colonel Atlee, Colonel Pickering and Mr. Peters.

The Board having considered the letter from General Washington, of the 3d instant, with its enclosures, and that from General Schuyler, of the 25th ulto. on the subject of Indian Affairs, beg leave to report to Congress:

That General Washington be directed to give every information he shall deem expedient to the Commissioners of Indian Affairs in the Northern Department of any intended military operations against the hostile tribes of Indians, that no measures inconsistent therewith may be taken at any treaty or conference with the savages. That General Washington be also directed to give every necessary assistance and advice to the Commissioners, that a proper plan may be formed to establish Peace with such of the tribes or nations as the Commissioners shall, on receiving the necessary information, deem proper, and that they may give every assistance to any intended operations proposed to be carried on for the chastisement of the hostile tribes.

That the said Commissioners of Indian Affairs be authorized to take such measures after receiving the opinion and advice of the Commander in Chief, as they shall think best adapted to circumstances, and most consistent with the interest and safety of the United States so far as concerns their department.[1]

Resolved, That the commissioners for Indian affairs in the northern department be directed to consult General Washington upon all treaties with the Indians, and to govern themselves by such instructions as he shall give them relative to any partial or general treaty of peace to be concluded with them.

Resolved, That the adjutant general of the army of the United States, be allowed the same rations as a brigadier general:

[1] This report is in the *Papers of the Continental Congress*, No. 147, III, folio 323. The paragraph adopted, in the writing of Thomas Burke, is on folio 327.

That he be permitted to engage two assistants and one clerk, the assistants to be taken from the line, and both they and the clerk to be approved of by the Commander in Chief:

That each assistant be allowed such an addition to his appointments as an officer in the line, as shall make the same equal to those of a lieutenant colonel:

That the clerk be taken from the subalterns or volunteers in the army, and allowed pay and subsistence equal in the whole to those of a captain.[1]

WAR OFFICE, *May 12, 1779.*

The Board are informed by Lieutenant Colonel Bayard, of Colonel Broadhead's regiment, the 8th Pennsylvania, that the time of service of that regiment will expire next August: and by Lieutenant Colonel Campbell, of the 13th Virginia regiment, that the time of service of the men of that regiment will expire next autumn, by November at farthest; that if money were supplied them, they could probably reenlist the greater part of their respective regiments: That no money could be obtained from the Treasury of Pennsylvania; and Colonel Campbell who is present, unless furnished here must be obliged to proceed to Williamsburg, where perhaps he may be disappointed: That these two regiments form almost the whole force in the Western Department, and unless the Men are re-enlisted immediately, it is probable few will enlist at all.

The Board therefore considering these two regiments as essential for the defence of the Western Frontiers, and that if they are discharged at the times above mentioned it will be exceedingly difficult, if not impracticable, to supply their places with other troops, beg leave to report:

Resolved, That sixty thousand dollars be granted for the purpose of reinlisting the non commissioned officers and privates of the 8 Pensylvania regiment, and forty thousand dollars for the purpose of reinlisting the non commissioned officers and privates of the 13th Virginia regiment, upon the terms proposed in the resolution of Congress of 23rd day of January, and 9th March last, that these sums be paid into

[1] This report, dated March 19 (Peters and Pickering, present), is in the *Papers of the Continental Congress*, No. 147, III, folio 131.

the hands of the paymaster of the Board of War, to be by him transmitted to the commanding officers of the regiments aforesaid.[1]

Ordered, That the report of the Board of War on the barrack master's representation be re-committed.

That Saturday next be assigned for taking into consideration the report of the Board of War on the department of military stores.

WAR AND ORDNANCE OFFICE, *May 1, 1779.*

The Board have endeavoured to keep in good temper the persons employed in the Ordnance Department, and prevailed upon them to wait for a long time, in hopes of some fortunate event or measures which might recover the value of our money, and of some general regulation, which including the Officers and Men of the Artillery Artificers under Colonel Flower, and the Commissaries, Clerks, and Conductors, in the civil branches of the Ordnance, would ease the minds of these useful and indispensably necessary people, and stimulate them to perform the tasks assigned to them with greater comfort to themselves, and of course with more benefit to the public. But their difficulties daily increase: and we are now called upon, by our regard to the public interest, to inform Congress, that this department is on the eve of dissolution, as the Officers, already deeply distressed, will not continue in the service to their *certain ruin;* nor will a Man reenlist, or recruits engage in the Corps, on the present terms held out to them.

We are well aware that objections lie against the business, about which the Artificers are employed, being done by Soldiers, who having no increase of emolument in view by an increase of labour, are too often idle and inattentive to their duty; and were our Country in the situation of those in Europe, where contracts can be made with certainty and justice to both parties, owing to the fixed value of their Money; and where workmen are so plenty and dependent that they seek for employment, instead of being courted to work, the objections would have their full force: But from a long attention to the subject, we can with confidence pronounce, that the carrying on the Ordnance business by enlisted workmen, is the only way the present circumstances of this Country will admit, so as to have any degree of cer-

[1] This report is in the *Papers of the Continental Congress,* No. 147, III, folio 313.

tainty, in regard to the supplies. Besides it is proposed that the pay of the Artificers should be greater or less in proportion to their industry and the goodness of their work, which will doubtless produce very beneficial effects. The Artificers employed on daily wages are transient, clamorous, ungovernable and extortionate. We were asked four hundred dollars a month by a person we stood in need of to superintend an Armoury, and the wages of hired common workmen, such as Smiths, Carpenters, &c. are ten dollars a day and rations; without any certainty of their continuance even at this sum.

The Officers in the regiment, who do the double duty of Superintending their own Men and those hired to assist them, complain that they see themselves and families reduced to want, while the mere journeyman has at least a sufficiency for his maintainance, and that of his family. The enlisted Artificers draw very grating comparisons between their own and the situation of hired Men, who have ten times their pay.

The condition of these people is peculiar, as most of them have families with whom they connected themselves either previous to their enlistment or since their engaging in the Corps, which being stationary induces them to enter into Matrimonial engagements more than the Men in Marching regiments. The families of such Men are distressed, and themselves discontented: whence the public service must inevitably suffer. Their pay, from the depreciation of the currency, is trifling, compared with that of a British Artificer in the Army, who receives a Spanish dollar per day and rations.

The Officers of the regiment of Artillery Artificers could, by resigning, resume their several employments to great advantage, as most of them, before they entered into the public service, were Master workmen, and possessed of considerable property. Yet they would be satisfied with allowances far short of the emoluments of private business: altho' being taken out of the line of the Army, and rising and Commanding only in their own Corps, they have no Military glory in view, and can expect nothing from the public but pecuniary satisfaction. The other Officers in the Department of Military Stores are much in the same situation. All of them would be contented with a mere support, altho many of them would enrich themselves by leaving the Service: and they say they shall be Obliged to resign for want of subsistence, unless speedily relieved. But if they do, all the Ordnance supplies must Stop, as we know of none who will fill their places.

The Board reluctantly recommend the raising of pay; but in this, as well as the other civil departments of the Army, we do not see how

it can be avoided. We know that many of our Officers complain that their pay is not equal to that of a Common Artificer; but they do not advert to the difference of their situations. The Military Officer has promotion and glory for his objects: but the Artificer has only his wages to invite him to his duty. It is the case in all Armies, that workmen receive more pay than many of the Officers; and in the British Service the pay of a Carpenter exceeds that of a Lieutenant.

For these reasons we think that no bad precedent will be established by raising the pay of the Artificers: at the same time it is evidently a matter of indispensible necessity; unless other means can be found that will yield them equal relief. We therefore beg leave to report:

	Dollars
That the pay of the Commissary General of Military Stores, including his pay as Colonel of the Corps of Artillery Artificers be per month	600
of a deputy Commissary General	300
" Commissary	240
" Commissary, if charged with purchasing and other extra duty,	300
" Deputy Commissary	200
" Conductor, according to the nature and extent of his business, to be determined by the Commissary General with the concurrence of the Board of War and Ordnance from	75 to 100
" Clerks, according to their talents and extent of duty, to be determined by the Commissary General with the concurrence of the Board of War and Ordnance from	50 to 100
" Pay Master to the Commissary General	250
" Pay Master at a Seperate Station	160
" Commissary acting as Pay Master in a Seperate Station, including his pay as Commissary	300
" Lieutenant Colonel of Artillery	300
" Major	250
" Captain	200
" Captain Lieutenant	133⅓
" Lieutenant	133⅓
" Serjeant, according to his talents and industry, from	50 to 65
" Private, do do do do , from	40 to 60

That such of the Officers abovementioned as are allowed provisions and forage by virtue of the Resolution of Congress of the 11th of February, 1778, be still entitled to the same.

That all the Officers and clerks who have served in this Department for one year previous to this date, do now belong to it, and agree to continue therein, shall be entitled to draw out of the Clothier Generals store one suit of clothes, to be paid for at the same rate that Officers in the line are charged for the same: and that they continue to do the same annually, until Congress shall order otherwise.

We beg leave to add, that large as the pay here proposed appears, it is in no case more than four times as much as the pay established in February, 1778, except for the Commissary General, altho' the necessaries of life do now generally cost ten times as much as they did then: that the Commissary General, besides superintending the Department, and finally examining all the accounts, and attending to the government, musters, pay and clothing of the corps of Artillery Artificers, is charged with a variety of purchases, to the amount of at least three fourths of the whole expenditures of the Department, that the Board sensible of the weighty objections to the Departments or Commission, preferred the proposition for increasing the monthly pay of the persons employed in the Department of Military Stores: and the Officers therein when representing their present distress, have asked only for a bare maintainance. But for this, less than the sums above mentioned will not be sufficient, in the present depreciated State of the currency; nor even then, without a retrospect to the commencement of the present year, since which time, and indeed for months before, they have unavoidably expended more than their pay; which has obliged some to part with their private fortunes and others to run in debt. We are hence, and from our observation in other cases, led to remark, that in Officers who have been long employed in the public service there appears to be an attachment to it which induces them to continue in it upon terms vastly more moderate than would be insisted on by new Men, who having for some time past attended only to their private Affairs, have contracted more avaricious inclinations, and would therefore refuse employments that would yield them only a descent subsistence. Hence we are led to despair of organizing the department of Military Stores with suitable Officers, if the present set are compelled by their necessities to resign.[1]

[1] This report is in the *Papers of the Continental Congress*, No. 147, III, folio 365.

On a report of the Board of Treasury,

Resolved, That the application of Captain McClean be referred to the State of Delaware, and that the President thereof be informed that any compensation which that State shall judge proper to be made to Captain McClean shall be credited to that State in its account with Congress.[1]

Adjourned to 11 oClock to Morrow.

TUESDAY, MAY 18, 1779

A letter, of 11, from General Washington, was read,[2] informing that Brigadier M'Intosh is desirous of serving in the southern army, as the war is now in the State to which he belongs; and therefore recommending him as a gentleman whose knowledge of service and of the country promises to render him useful; Whereupon,

Resolved, That Brigadier-General M'Intosh be permitted to repair to the southern army, and there act under the orders of the commanding officer in that department, until the farther orders of Congress or the Commander in Chief.

A memorial from Lieutenant [Michel Personne de] Guyon, was read:[3]

Ordered, That it be referred to the Board of War, and that they be directed to give the memorialist a certificate that Laughlan McIntosh is a brigadier general in the army of the United States of America.

A letter, of 4, from Captain Joseph Olney, was read:

Ordered, That it be referred to the Marine Committee.

A letter, of 10, from J. Beatty, commissary general of prisoners, was read:

[1] This paragraph appeared only in the manuscript Secret Domestic Journal.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 307.

[3] This memorial, dated May 17, is in the *Papers of the Continental Congress*, No. 41, III, folio 447.

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

A letter, of 14, from Brigadier Du Portail, was read.

Mr. [George] Plater laid before Congress a letter from Mr. J. [A.] Thomas, dated April 28, and representing great abuses, waste and neglect of public stores at the head of Elk.[1]

Ordered, That it be referred to the committee on the commissary and quartermaster's department, and that they be directed to enquire into the facts mentioned in it at public expence; and if true, to transmit the same to the Commander in Chief, that a court martial for the trial of the delinquents may be immediately appointed.

A letter, of 12, from S. Deane, was read:

Ordered, That on Thursday next, immediately after reading the journal, Congress proceed to the consideration of the report of the committee on foreign affairs.

A petition of Robert Lynn, a memorial from Captain Paul Schott, a petition from the non commissioned officers and privates of Captain [Simon] Spaulding's company; and a letter, of 15th, from Colonel Procter, were read:[2]

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

A letter, of 11, from P. Scull, secretary of the Board of War, was read:

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

A letter, of 16, from G. Morgan, agent for Indian affairs in the western district, was read,[3] accompanied with the Indians speech to General Washington, and the General's answer:

Ordered, That the letter be referred to the Committee on Indian Affairs.

A memorial from Joachim [de] Luca, subject of his Catholic Majesty, master of the ship *St. Francisco de Paula* al[s] *El*

[1] Beatty's letter is in the *Papers of the Continental Congress*, No. 78, III, folio 313; that of Du Portail, in No. 164, folio 346; that of Thomas, in No. 78, XXII, folio 625.

[2] The Lynn petition, dated May 15, is in the *Papers of the Continental Congress*, No. 42, IV, folio 190; the Schott memorial, dated April 30, in No. 41, IX, folio 76; the soldiers' petition, in No. 42, VI, folio 29; and Proctor's letter in No. 58, folio 267.

[3] This letter is in the *Papers of the Continental Congress*, No. 163, folio 341.

Valenciano, captured by the ship *Pilgrim,* [Captain] Hugh Hill, and carried into the State of Massachusetts bay; also

A memorial from Joseph de Llano, a Spaniard, master of the ship *Holy Martyrs,* captured by the schooner *Success,* Captain Philip Trask, and carried into Massachusetts bay; were read:

Ordered, That the said memorials, with the papers accompanying them, be referred to the Committee on Appeals.

A paper signed Leonard Albouy and Joseph Basden, was read;[1] Whereupon,

The committee, to whom were referred sundry letters from Leonard Albouy and others, report,

"That being convinced, from a variety of concurrent testimony and circumstances, the distresses of the Bermudians are not exaggerated, and that any provisions which may arrive at their islands, will be faithfully and entirely applied to their use; having also collected a number of important vouchers in proof of their warm attachment to these states, and being moreover assured by the Minister of France, that his court will cordially acquiesce in any measures which the policy of Congress may adopt in behalf of those suffering islanders, they are of opinion that, notwithstanding the resolution of inexpediency of the 7th instant some mode of immediate relief to that distressed people ought to be adopted, and therefore do earnestly recommend the following resolution:

"*Resolved,* That it be recommended to the executive powers of the states of Pensylvania, Delaware, Maryland, Virginia, and North Carolina, respectively, to permit 1000 bushels of Indian corn, to be exported from each of the said states, for the relief of the distressed inhabitants of those islands; and that it be required of the captains of any vessels on board which the said corn shall be laden, to return to the

[1] Luca's memorial, dated April 26, is in the *Papers of the Continental Congress,* No. 41, V, folio 200; that of Llano, of the same date, on folio 204; that of Albouy, in No. 78, I, folio 253.

respective executive powers aforesaid, certificates of the delivery and faithful appropriation of the said provision, under the signature of at least two of the principal inhabitants of the said islands:"[1]

A motion was made by Mr. [Thomas] Burke, seconded by Mr. [John] Penn, to strike out the words, "and North Carolina;" and on the question, shall those words stand,

The yeas and nays being required by Mr. [Thomas] Burke,

Massachusetts Bay,		
Mr. Gerry,	no	no
Lovell,	ay	
Holten,	no	
Rhode Island,		
Mr. Collins,	no	no
Connecticut,		
Mr. Sherman,	ay	div.
Spencer,	no	
New York,		
Mr. Jay,	ay	ay
Floyd,	ay	
New Jersey,		
Mr. Scudder,	ay	ay
Fell,	ay	
Pennsylvania,		
Mr. Shippen,	ay	ay
Atlee,	ay	
Searle,	ay	
Wynkoop,	ay	
Maryland,		
Mr. Plater,	ay	div.
Carmichael,	ay	
Henry,	no	
Jenifer,	no	
Virginia,		
Mr. Smith,	ay	ay
R. H. Lee,	ay	
Griffin,	ay	
North Carolina,		
Mr. Penn,	no	no
Burke	no	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	

[1] This report, in the writing of Nathaniel Scudder, is in the *Papers of the Continental Congress*, No. 78, I, folio 265. On folio 263 is a proposed amendment, in the writing of John Jay, referred to this committee:

"*Resolved*, That the inhabitants of Bermuda be permitted to purchase in and export from the State of South Carolina, five hundred Barrels of Rice, to be divided into five Cargoes of one hundred Barrels each, to be shipped in succession in manner following; none of the said Cargoes shall be laden on board any Vessel, until the Master shall produce a letter of Recommendation from , or any two of them, Inhabitants of Bermuda, to the Governor of South Carolina. The second Cargo not to be shipped until Advice be received by the said Governor from the , or any two of them, of the arrival of the first, and so on with respect to the other Cargoes."

So it was resolved in the affirmative.

On the question to agree to the report, the yeas and nays being required by Mr. [John] Penn,

Massachusetts Bay,		
Mr. Gerry,	no	no
Lovell,	ay	
Holten,	no	
Rhode Island,		
Mr. Collins,	ay	ay
Connecticut,		
Mr. Sherman,	ay	ay
Spencer,	ay	
New York,		
Mr. Jay,	ay	ay
Floyd,	ay	
New Jersey,		
Mr. Scudder,	ay	ay
Fell,	ay	
Pennsylvania,		
Mr. Shippen,	ay	ay
Atlee,	ay	
Searle,	ay	
Wynkoop,	ay	
Maryland,		
Mr. Plater,	ay	no
Carmichael,	no	
Henry,	no	
Jenifer,	no	
Virginia,		
Mr. Smith,	no	ay
R. H. Lee,	ay	
Griffin,	ay	
North Carolina,		
Mr. Penn,	no	no
Burke,	no	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	

So it was resolved in the affirmative.

Mr. [Meriwether] Smith then arose, and with the leave of the House, read in his place a paper in answer to the paper delivered in by Mr. [Henry] Laurens, in which he repeats his request, "that Congress will explicitly declare whether it be their opinion that the motion which he made on Friday was full of dangerous consequences, derogatory to the honor and dignity of Congress, and alarming to the free and independent citizens of these United States; and hopes that Congress, having indulged Mr. [Henry] Laurens with entering his address upon the journals, will do him equal justice, and allow him the same indulgence by entering his address upon the journal of Congress:

The motion being seconded by Mr. [John] Penn,

On the question, shall Mr. [Meriwether] Smith's address be entered on the journal,

The yeas and nays being required by Mr. [Meriwether] Smith,

New Hampshire,		
Mr. Whipple,	no	no
Massachusetts Bay,		
Mr. Gerry,	no	no
Lovell,	ay	
Holten,	no	
Rhode Island,		
Mr. Ellery,	no	div.
Collins,	ay	
Connecticut,		
Mr. Sherman,	no	no
Spencer,	no	
New York,		
Mr. Jay,	ay	ay
Morris,	no	
Floyd,	ay	
New Jersey,		
Mr. Scudder,	no	no
Fell,	no	
Pennsylvania,		
Mr. Armstrong,	no	no
Shippen,	no	
Atlee,	ay	
Searle,	no	
Wynkoop,	no	
Maryland,		
Mr. Plater,	ay	ay
Carmichael,	ay	
Henry,	ay	
Jenifer,	ay	
Virginia,		
Mr. Smith,	ay	ay
R. H. Lee,	no	
Griffin,	ay	
Fleming,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Burke,	ay	
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	no	div.
Drayton,	ay	

So it passed in the negative.

TUESDAY, 18TH MAY, 1779.

Mr. PRESIDENT,

It gives me real Concern to find that Mr. Laurens a Delegate from the State of South Carolina, considers the Motion I made on Friday last as an *Attempt* "irregular, unprecedented and full of dangerous Consequences, derogatory to the Honor and Dignity of Congress, and alarming to the free and independent citizens of these united States."

I conceive it to be the Duty of every Member of Congress to receive Information, and to communicate it to Congress, of the Venality, Peculation and Fraud of any of its Members, or of other Persons employed in the public Service. If the Information leads to the Investigation of Truth, it is worthy of Notice and should be attended to. The Contents of the Letter alluded to in the Information I gave, the Manner in which it was published and the Probability that a letter directed to the Governor of Georgia might have fallen into the Hands of the Enemy, in Georgia, did, in my opinion, require the Attention of Congress and of all the free and independent Citizens of these united States, since the Honor of the one and the Interest of the other demanded the an Inquiry concerning the Truth of the Contents. The Publisher in *this* Instance could not be called upon to justify the Publication, either by Congress or Mr. Laurens, because he was not within the Line of their Power: But Mr. Laurens might have refuted the Publication by a bare Denial of the Authenticity of the Letter; which Justice to Congress and his own Honor required if the Letter published was not genuine. In my Opinion, therefore, there was no Impropriety in the Motion for demanding of Mr. Laurens whether he had written the Letter of which that Publication was said to be a Copy. I am sure the demanding of *a Person* whether he was the *Author* of a Letter published in *a Newspaper* was not unprecedented even in this House. But Mr. Laurens could not be compelled to give Evidence against himself, or even to answer the Question. A Regard to Truth and his own Honor were the only Consideration which could oblige him to answer any Question. The Motion, therefore, could not be "full of dangerous Consequences," nor could it be "alarming to the free and independent Citizens of these united States", unless Mr. Laurens and the free and independent Citizens of these united States should be of Opinion that Truth and Honor ought not to influence the Conduct of Men. If Mr. Laurens has discovered those scenes of Venality, Peculation, and Fraud, which are mentioned in the Letter alluded to, or if he was warranted to say what is therein expressed, he ought *indeed* to have rejoiced that an Opportunity was given him to unfold them, and thereby to have been instrumental in bringing to punishment the Authors of such Mischiefs to the Public. But, Mr. Laurens has charged me openly in Congress, with having attempted what was "irregular, unprecedented and full of dangerous Consequences, derogatory to the Honor and

Dignity of Congress, and alarming to the free and independent Citizens of these united States." And he has said that he rejoices "at the Wisdom displayed by Congress in *overruling the Attempt.*" This Charge is contained in a written Paper, which he read in his Place and desired might be entered upon the Journals of Congress. It hath been received, and is entered upon the Journal, by order of Congress. Without calling upon Congress for that Protection against *personal* Insult to which every Member is intitled, whilst he is performing his Duty in this House, and a consequent Reparation of the Breach of Privilege; I demanded of Congress the Justice due to my Honor, that the sense of Congress might be expressed whether the Motion I had made was of such a Nature as Mr. Laurens had declared; and I thought myself intitled to satisfaction on this Point; as Congress had received the *implied* Thanks of Mr. Laurens for the Wisdom displayed in *over-ruling* the *Attempt.* Congress has not been pleased to answer the Question; but hath adopted a Resolution, which, in my Opinion, countenances the Charge; as it apologizes for having admitted the Declaration to Record, and leaves it in full Force against me—a Mode of Proceeding, which, if it shall be conclusive in this case, I fear, will impeach the Candor if not the Justice of Congress. I therefore, as well out of Regard to the Dignity of Congress as to my own Honor, repeat my Request that Congress will explicitly declare whether it be their Opinion that the Motion which I made on Friday last was "full of dangerous Consequences, derogatory to the Honor and Dignity of Congress and alarming to the free and independent Citizens of these united States." And having indulged Mr. Laurens with entering his Address upon the Journals of Congress, I hope Congress will allow me equal Justice, and allow me the same Indulgence, by entering this Address upon the Journal of Congress.

MERIWETHER SMITH.[1]

Adjourned to 10 oClock to Morrow.

WEDNESDAY, MAY 19, 1779

A letter, of 4, from Major General Gates, and one, of 17th, from General Washington, were read:

Ordered, That they be referred to the Board of Treasury.

[1] This paper, in the writing of Meriwether Smith, is in the *Papers of the Continental Congress,* No. 78, XX, folio 401.

Another letter, of 17, from General Washington, was read:[1]

Ordered, That so much thereof as relates to the troops in Virginia, be referred to the Board of War; the remainder to the Marine Committee.

A petition of Joshua Griffith and David Brooks was read, praying for a rehearing of their cause before the Committee on Appeals:[2]

Ordered, That it be referred to the Committee on Appeals.

A petition of A. Murphy and others, was read:

Ordered, That it be referred to the Marine Committee, and that they be directed to take such order thereon as they judge proper.

A letter, of 18, from C. Hele, was read:[3]

Ordered, That it be referred to the committee on the letter from Admiral Gambier.

Resolved, That the Marine Committee be authorised and directed to put Lieutenant C. Hele on his parole, in such place as they shall think most conducive to the public good.

A letter, of 16, from T. Johnson, governor of Maryland, enclosing copy of a letter to him from James McCay, John Nicholson and Thomas Saunders, of the same date; and a letter, of this day, from Charles Pettit, enclosing a letter to him from Colonel Henry Hollingsworth, at the head of Elk, dated 18, were read.[4]

According to the order of the day, Congress proceeded to the consideration of that part of the report of the Board of Treasury, relative to the raising supplies and supporting the credit of the continental currency.

On considering the resolution,

That these United States be called upon, in addition to the sum required by a resolution of Congress of the 2d of

[1] The letters of Washington are in the *Washington Papers*, A, IV, pt. II, folios 47,49. One is printed in the *Writings of Washington* (Ford), VII, 452.

[2] This petition is in the *Papers of the Continental Congress*, No. 42, III, folio 216.

[3] This letter is in the *Papers of the Continental Congress*, No. 78, XI, folio 421.

[4] This letter is in the *Papers of the Continental Congress*, No. 70, folios 321, 325.

January, for their respective quotas of million of dollars, to be paid into the continental treasury before the first day of January next, in the proportion following.

A motion was made by Mr. [John] Dickinson, seconded by Mr. [Gouverneur] Morris, that the blank be filled with the word "sixty."

On which the yeas and nays being required by Mr. [Gouverneur] Morris,

New Hampshire,		
Mr. Whipple,	no	no
Massachusetts Bay,		
Mr. S. Adams,	no	no
Gerry,	no	
Lovell,	no	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	no	no
Collins,	no	
Connecticut,		
Mr. Sherman,	ay	ay
Spencer,	ay	
New York,		
Mr. Jay,	ay	ay
Duane,	no	
Morris,	ay	
Floyd,	ay	
New Jersey,		
Mr. Witherspoon,	no	no
Scudder,	no	
Fell,	no	
Pennsylvania,		
Mr. Armstrong,	no	div.
Shippen,	no	
Atlee,	ay	
Searle,	ay	
Muhlenberg,	ay	
Wynkoop,	no	
Delaware,		
Mr. Dickinson,	ay	ay
Maryland,		
Mr. Plater,	no	no
Carmichael,	no	
Henry,	no	
Jenifer,	no	
Virginia,		
Mr. Smith,	no	no
R. H. Lee,	no	
Fleming,	no	
North Carolina,		
Mr. Penn,	no	no
Burke,	ay	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	no	div.
Drayton,	ay	

So it passed in the negative.

A motion was then made by Mr. [John] Penn, seconded by Mr. [John] Armstrong, that the blank be filled with the words "forty-five."

On which the yeas and nays being required by Mr. [Gouverneur] Morris,

New Hampshire,		
Mr. Whipple,	no	no
Massachusetts Bay,		
Mr. S. Adams,	no	no
Gerry,	no	
Lovell,	no	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	no	no
Collins,	no	
Connecticut,		
Mr. Sherman,	ay	ay
Spencer,	ay	
New York,		
Mr. Jay,	ay	ay
Duane,	ay	
Morris,	ay	
Floyd,	ay	
New Jersey,		
Mr. Witherspoon,	ay	ay
Scudder,	no	
Fell,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Shippen,	no	
Atlee,	ay	
Searle,	ay	
Muhlenberg,	ay	
Wynkoop	ay	
Delaware,		
Mr. Dickinson,	ay	ay
Maryland,		
Mr. Plater,	ay	div.
Carmichael,	ay	
Henry,	no	
Jenifer,	no	
Virginia,		
Mr. Smith,	no	no
R. H. Lee,	no	
Fleming,	no	
North Carolina,		
Mr. Penn,	ay	ay
Burke,	ay	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	no	div.
Drayton,	ay	

So it was resolved in the affirmative.

Adjourned to 10 oClock to Morrow.

THURSDAY, MAY 20, 1779

A letter, of 17, from Thomson Mason, was read:[1]

Ordered, That it be referred to the committee of Intelligence.

A letter, of 19, from the honble Mr. Gérard, minister plenipotentiary of France, was read, enclosing a note from D. J. de Mirailles, respecting three Spanish ships taken by privateers and carried into Massachusetts bay:

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

The members chosen, Mr. [Thomas] Burke, Mr. [James] Duane and Mr. [James] Lovell.

A letter, of this day, from T. Paine, was read:[2]

Ordered, To lie on the table.

The delegates of Virginia laid before Congress certain powers and instructions to them given by the general assembly of their State, which were read, and are as follows:

In General Assembly, *Saturday the 19th of December, 1778.*

Resolved, nemine contradicente, That our delegates in Congress be instructed to propose to Congress that they recommend to each of the states named as parties in the articles of confederation, heretofore laid before and ratified by this assembly, that they authorize their delegates in Congress to ratify the said articles, together with the delegates of so many other of the said states as shall be willing, so that the same shall be forever binding on the states so ratifying, notwithstanding that a part of those named shall decline to ratify the same, allowing, nevertheless, to the said states so declining, either a given or indefinite time, as to Congress shall seem best, for acceding to the said confederation, and making themselves thereby members of the union.

Resolved, nemine contradicente, That our said delegates now in office, or hereafter to be appointed, be authorized and required, and are

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XV, folio 441.

[2] This letter is in the *Papers of the Continental Congress*, No. 55, folio 63.

hereby authorized and required, to ratify the said articles of confederation on the part of this commonwealth, with so many of the other states named in them as parties, as shall on their part ratify the same.

Test: B. HARRISON, Sp. H. D.
A. CARY, S. S.[1]

In pursuance of the above powers and instructions, the said delegates moved in the words following:

"Whereas it is of the greatest importance to the safety, honor and interest of the United States, that the confederation be closed as soon as may be, and rendered forever binding on the states acceding thereto:

"*Resolved*, That it be earnestly recommended to each of the states named as parties to the confederation, that they authorize their delegates in Congress to ratify the same on or before the day of next, in conjunction with the delegates of so many other of the said states as shall be willing; to the end, that the same may be thenceforward forever binding on the states so ratifying, notwithstanding that a part of those named shall decline to ratify the same." [2]

Ordered, That the consideration of the said motion be postponed to Tuesday next.

The delegates of Virginia then delivered in a paper signed by them in the words following:

"In consequence of the foregoing instructions and powers to us given, we do hereby declare, that we are ready and willing to ratify the confederation with any one or more states named therein, so that the same shall be forever binding upon the State of Virginia.

Signed, MERIWETHER SMITH, RICHARD HENRY LEE,
CYRUS GRIFFIN. WILLIAM FLEMING."

[1] A copy of these powers, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, Miscellaneous. Thomson states that the "original was taken back by the delegates, because it contained other and further instructions which they did not think proper at that time to lay before Congress." The original paper of the delegates is in the same volume.

[2] This motion, in the writing of Richard Henry Lee, is in the *Papers of the Continental Congress*, No. 36, I, folio 27.

Congress proceeded to the consideration of the report of the committee of thirteen on foreign affairs:

After debate, it was agreed by the House, that the question shall be stated,

Shall Mr. R. Izard be recalled?

Adjourned to 10 oClock to Morrow.

FRIDAY, MAY 21, 1779

Mr. [Samuel] Huntington, a delegate from Connecticut, attended, and took his seat in Congress.

An appeal from the judgment of a court of admiralty for the State of Connecticut, on a libel Edward Conkling, &c. *v.* Brig *Bermuda* &c, was lodged with the Secretary, and referred to the Committee on Appeals.

The delegates of Maryland informed Congress, that they have received instructions respecting the articles of confederation, which they are directed to lay before Congress, and to have entered on their journals; the instructions being read are as follows:

Instructions of the general assembly of Maryland, to George Plater, William Paca, William Carmichael, John Henry, James Forbes and Daniel of St. Thomas Jenifer, esqrs;

GENTLEMEN, Having conferred upon you a trust of the highest nature, it is evident we place great confidence in your integrity, abilities and zeal to promote the general welfare of the United States, and the particular interest of this state, where the latter is not incompatible with the former; but to add greater[1] weight to your proceedings in Congress, and to take away all suspicion that the opinions you there deliver, and the votes you give, may be the mere opinions of individuals, and not resulting from your knowledge of the sense and deliberate judgment of the state you represent, we think it our duty to instruct you as followeth on the subject of the confederation, a subject in which, unfortunately, a supposed difference of interest

[1] Here the writing changes to that of Thomas Edison.

has produced an almost equal division of sentiments among the several states composing the union: We say a supposed difference of interests; for, if local attachments and prejudices, and the avarice and ambition of individuals, would give way to the dictates of a sound policy, founded on the principles of justice, (and no other policy but what is founded on those immutable principles deserves to be called sound,) we flatter ourselves this apparent diversity of interests would soon vanish; and all the states would confederate on terms mutually advantageous to all; for they would then perceive that no other confederation than one so formed can be lasting. Although the pressure of immediate calamities, the dread of their continuance from the appearance of disunion, and some other peculiar circumstances, may have induced some states to accede to the present confederation, contrary to their own interests and judgments, it requires no great share of foresight to predict, that when those causes cease to operate, the states which have thus acceded to the confederation will consider it as no longer binding, and will eagerly embrace the first occasion of asserting their just rights and securing their independence. Is it possible that those states, who are ambitiously grasping at territories, to which in our judgment they have not the least shadow of exclusive right, will use with greater moderation the increase of wealth and power derived from those territories, when acquired, than what they have displayed in their endeavours to acquire them? we think not; we are convinced the same spirit which hath prompted them to insist on a claim so extravagant, so repugnant to every principle of justice, so incompatible with the general welfare of all the states, will urge them on to add oppression to injustice. If they should not be incited by a superiority of wealth and strength to oppress by open force their less wealthy and less powerful neighbours, yet the depopulation, and consequently the impoverishment of those states, will necessarily follow, which by an unfair construction of the confederation may be stripped of a common interest in, and the common benefits derivable from, the western country.[1] Suppose, for instance, Virginia indisputably possessed of the extensive and fertile country to which she has set up a claim, what would be the probable consequences to Maryland of such an undisturbed and undisputed possession? they cannot escape the least discerning.

[1] Here the writing changes to that of George Bond.

Virginia, by selling on the most moderate terms a small proportion of the lands in question, would draw into her treasury vast sums of money, and in proportion to the sums arising from such sales, would be enabled to lessen her taxes: lands comparatively cheap and taxes comparatively low, with the lands and taxes of an adjacent state, would quickly drain the state thus disadvantageously circumstanced of its most useful inhabitants, its wealth; and its consequence in the scale of the confederated states would sink of course. A claim so injurious to more than one half, if not to the whole of the United States, ought to be supported by the clearest evidence of the right. Yet what evidences of that right have been produced? what arguments alleged in support either of the evidence or the right; none that we have heard of deserving a serious refutation.

It has been said that some of the delegates of a neighbouring state have declared their opinion of the impracticability of governing the extensive dominion claimed by that state: hence also the necessity was admitted of dividing its territory and erecting a new state, under the auspices and direction of the elder, from whom no doubt it would receive its form of government, to whom it would be bound by some alliance or confederacy, and by whose councils it would be influenced: such a measure, if ever attempted, would certainly be opposed by the other states, as inconsistent with the letter and spirit of the proposed confederation. Should it take place, by establishing a sub-confederacy, *imperium in imperio*, the state possessed of this extensive dominion must then either submit to all the inconveniences of an overgrown and unwieldy government, or suffer the authority of Congress to interpose at a future time, and to lop off a part of its territory to be erected into a new and free state, and admitted into the confederation on such conditions as shall be settled by nine states. If it is necessary for the happiness and tranquillity of a state thus overgrown, that Congress should hereafter interfere and divide its territory; why is the claim to that territory now made and so pertinaciously insisted on? we can suggest to ourselves but two motives; either the declaration of relinquishing at some future period a portion of the country now contended for, was made to lull suspicion asleep, and to cover the designs of a secret ambition, or if the thought was seriously entertained, the lands are now claimed to reap an immediate profit from the sale. We are convinced policy and justice require that a country unsettled at the commencement of this war, claimed

by the British crown, and ceded to it by the treaty of Paris, if wrested from the common enemy by the blood and treasure of the thirteen states, should be considered as a common property, subject to be parcelled out by Congress into free, convenient and independent governments, in such manner and at such times as the wisdom of that assembly shall hereafter direct. Thus convinced, we should betray the trust reposed in us by our constituents, were we to authorize you to ratify on their behalf the confederation, unless it be farther explained: we have coolly and dispassionately considered the subject; we have weighed probable inconveniences and hardships against the sacrifice of just and essential rights; and do instruct you not to agree to the confederation, unless an article or articles be added thereto in conformity with our declaration: should we succeed in obtaining such article or articles, then you are hereby fully empowered to accede to the confederation.

That these our sentiments respecting the confederation may be more publicly known and more explicitly and concisely declared, we have drawn up the annexed declaration, which we instruct you to lay before Congress, to have it printed, and to deliver to each of the delegates of the other states in Congress assembled, copies thereof, signed by yourselves or by such of you as may be present at the time of the delivery; to the intent and purpose that the copies aforesaid may be communicated to our brethren of the United States, and the contents of the said declaration taken into their serious and candid consideration.

Also we desire and instruct you to move at a proper time, that these instructions be read to Congress by their secretary, and entered on the journals of Congress.

We have spoken with freedom, as becomes freemen, and we sincerely wish that these our representations may make such an impression on that assembly as to induce them to make such addition to the articles of confederation as may bring about a permanent union.

A true copy from the proceedings of December 15, 1778.

Test, J. DUCKETT, C. H. D.[1]

A letter, of 11th, and one of the 12th, from P. Henry, governor of Virginia, was read;[2] Whereupon,

[1] Here Charles Thomson resumed the entries. These instructions are in the *Papers of the Continental Congress*, No. 70, folio 305. The declaration was read in Congress January 6, 1779. See p. 29 *ante*.

[2] These letters are in the *Papers of the Continental Congress*, No. 71, I, folios 225, 229.

Resolved, That the letters of Governor Henry, with that received from Thomson Mason, Esq. be communicated to General Washington, and that the Board of War be directed to replace as speedily as possible, the arms furnished by the State of Virginia, at the request of Congress, to the State of South Carolina, with such cartouch boxes as may be required by the delegates of Virginia.

Ordered, That the intelligence contained in the letters of Governor Henry be communicated to the Minister Plenipotentiary of France:

That the letters be referred to the Board of War.

A letter, of 20th, from Brigadier W. Thompson and S. B. Webb, was read:

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

The members chosen, Mr. [Joseph] Spencer, Mr. [Samuel] Atlee, and Mr. [Nathaniel] Scudder.

A letter, of 20, from J. Connolly was read:

Ordered, That it be referred to the committee on the letter from the Board of War respecting J. Connolly.

A letter, of 12, from Captain James Willing was read:[1]

Ordered, That it be referred to the Marine Committee.

A representation from the council and general assembly of the State of New Jersey, was read:

Ordered, That it be referred to the Board of War, and that they be directed to give the information required.

A memorial from John Dodge, accompanied with sundry papers, was read:[2]

Ordered, That the same be referred to the Committee on Indian Affairs.

A letter, of 18, from the Board of War was read, accompanied with sundry papers relative to a claim of the Rev. Mr. David Jones:

[1] Thompson's letter is in the *Papers of the Continental Congress*, No. 78, XXII, folio 633; that of Connolly, in No. 78, V, folio 355; that of Willing, in No. 78, XXIV, folio 29.

[2] The New Jersey paper is in the *Papers of the Continental Congress*, No. 68, folio 451; Dodge's memorial, dated May 21, is in No. 41, II, folio 441.

Ordered, That the same be referred to the Board of Treasury, to settle what allowance Mr. Jones shall receive for his extra services as surgeon to the 4th Pensylvania regiment.

A letter of this day from D. J. Miralles was read, respecting the three Spanish vessels captured and carried into Massachusetts bay:[1]

Ordered, That the committee to whom the letter and memorial on this subject were referred, be directed to report to morrow morning.

The delegates for the State of Connecticut laid before Congress farther powers relative to the Articles of Confederation, which were read, and are as follows:

STATE OF CONNECTICUT, *ss:*

At a general assembly of the governor and company of the state of Connecticut, in America, holden at Hartford, by special order (L. S:) of the governor of the said state, on Wednesday, the 7th day of April, Anno Domini 1779.

It appearing to this assembly to be essentially necessary for the preservation, safety, independence, and sovereignty of the United States of America, that the articles of confederation and perpetual union be acceded to, ratified and confirmed: and whereas all of the said states, except Maryland, have agreed to and confirmed said articles of confederation, and Maryland hath not acceded to said articles as drawn up, for reasons heretofore published; and whereas the confederation of thirteen states may not be considered as obligatory on twelve states only:

Resolved, That the delegates of this state in Congress be directed and empowered, and full power and authority is hereby given and granted to the said delegates, in the name and behalf of this state, to enter into, ratify and confirm said articles of confederation and perpetual union with the states of New Hampshire, Massachusetts Bay, Rhode Island, and Providence Plantations, New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, and Georgia, in the most full and ample manner; always provided that the state of Maryland be not thereby excluded from acceding to said confederation at any time hereafter. A true copy of record:

Examined by

GEORGE WYLLYS, *Secretary.*

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XV, folio 445.

Congress resumed the consideration of the report of the Board of Treasury on finance, and in considering the resolution under debate on Wednesday,

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [William] Carmichael, to strike out "January," in the last line; and in the room thereof insert "April;" and, on the question, shall the word "January" stand,

The yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,		
Mr. Whipple,	no	no
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	no	
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	no	no
Collins,	no	
Connecticut,		
Mr. Sherman,	ay	ay
Spencer,	ay	
Huntington,	ay	
New York,		
Mr. Jay,	ay	ay
Duane,	ay	
Morris,	ay	
Floyd,	ay	
New Jersey,		
Mr. Scudder,	ay	*
Pennsylvania,		
Mr. Armstrong,	ay	ay
Shippen,	ay	
Atlee,	ay	
Searle,	no	
Muhlenberg,	ay	
Wynkoop,	ay	
Delaware,		
Mr. Dickinson,	ay	ay
Maryland,		
Mr. Plater,	no	no
Carmichael,	no	
Henry,	no	
Jenifer,	no	
Virginia,		
Mr. Smith,	ay	ay
R. H. Lee,	no	
Griffin,	ay	
Fleming,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Burke,	ay	
Sharpe,	ay	
South Carolina,		
Mr. Drayton,	ay	ay

On the question to agree to the resolution as amended,

Resolved in the affirmative.

Resolved, That these United States be called upon, in addition to the sum required by a resolution of Congress of the 2d January last, for their respective quotas of 45,000,000 of dollars, to be paid into the continental treasury before the first day of January next, in the proportion following:

New Hampshire,	1,500,000	Delaware,	450,000
Massachusetts Bay,	6,000,000	Maryland,	4,680,000
Rhode Island,	750,000	Virginia,	7,200,000
Connecticut,	5,100,000	North Carolina,	3,270,000
New York,	2,400,000	South Carolina,	5,550,000
New Jersey,	2,400,000		
Pennsylvania,	5,700,000		45,000,000

Georgia being invaded, is hereafter to raise her proportion.

Resolved, That the said several sums, or any greater sums, which shall be paid by any of the states into the continental treasury, shall be passed to their respective credits on interest, on the same terms as are prescribed by the resolution of Congress, passed the 22 November, 1777.

Resolved, That a committee of three be appointed to prepare an address to the several states on the present situation of affairs, and particularly on the necessity of paying their respective quotas:

The members chosen, Mr. [John] Dickinson, Mr. [William Henry] Drayton, and Mr. [James] Duane.

Adjourned to 10 oClock to Morrow.

SATURDAY, MAY 22, 1779

A letter, of 20th, from Major General Sullivan, was read:

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

A letter, of 20, from J. Reed, president of Pensylvania, was read,[1] enclosing a petition from sundry merchants relative to the court of appeals:

[1] Sullivan's letter is in the *Papers of the Continental Congress*, No. 160, folio 245; that of Reed, in No. 69, II, folio 65, and the petition is on folio 69.

Ordered, That the same be referred to the Committee on Appeals.

A letter, of 21, from W. Rogers, chaplain of the brigade late commanded by Brigadier Conway, was read, requesting that the stile of the brigade may be changed to that of "the third Pensylvania brigade," being the stile by which it is known in the army:[1]

Resolved, That his request be granted, and that a new certificate be granted to him, referring to his appointment of 11 June, 1778.

A letter, of 20th, from James Calhoun, was read, enclosing a deposition of Joseph White, respecting the ravages and depredations of the enemy in Virginia.[2]

The commissioners report, That they have examined the accounts of Samuel Shaw and Richard Marven for expences incurred in defending an action at law brought against them by Esek Hopkins, in the State of Rhode island, and find that there is due to them for sundry expences, including fees to attorney and council for the defendants, the sum of fourteen hundred and eighteen dollars and 7/90, to be paid to Mr. Sam. Adams, agreeable to the request of the claimants:[3]

That we have considered the account of Captain Francis Proctor, for Superintending the Hospital at the Yellow Spring, from the 23rd of December last to the 15th instant, is one hundred and forty four days at three dollars p^{r} day, amounting to four hundred and thirty two dollars.

This duty he terms extra service. As charges under that head are generally settled by the Auditors at Camp, and we have never been furnished with any instruction or Resolves, by which to define what are, and what are not Extra services; we own we are doubtfull

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XIX, folio 279.

[2] Calhoun's letter is in the *Papers of the Continental Congress*, No. 78, V, folio 349; the deposition is on folio 353.

[3] This sum included "a fee to be paid to William Channing, Esq. as counsel for the defendants, which fee was left to the discretion of Congress, and is now by direction of the Treasury filled up at five hundred dollars."

whether this comes properly under that denomination. There is reason to beleive that Officers can live as cheap at an hospital in the country, where there are plenty of good stores, as any where else. Indeed wherever there are public stores, the expense of living to them must be the same. We have it from the best authority that his Excellency General Washington is very cautious in granting warrants for extra services, and that many of these accounts are rejected, not without sufficient reasons.

We are therefore inclined to think that officers ordered on services of this nature should be allowed only for the days they are travelling, to and from the places they are ordered to, at the rate of three dollars every twenty miles; and we humbly conceive this distinction to have been the intention of the Resolution of Congress; If so, Cap^{n} Proctor is entitled to nine dollars, but we respectfully submit this to further consideration.

Is it not the duty of an officer to command a guard at an Hospital as well as at Camp or wherever he may be ordered?[1]

Ordered, That the same be paid.

Ordered, That so much of the report as relates to the claims of Captain Francis Proctor, for superintending the hospital at the Yellow Spring, be referred to the auditors of accounts at the main army.

The Committee on the Treasury brought in a report, which was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of the delegates of Maryland, on their application, for ten thousand dollars, the said State to be accountable.

That a warrant issue on the treasurer, in favour of Mr. [William] Whipple, delegate from the State of New Hampshire, on his application, for four thousand dollars, the said State to be accountable.

That a warrant issue on the treasurer, in favour of Mr. J[ames] Duane, one of the delegates from the State of New

[1] This report, dated May 21, is in the *Papers of the Continental Congress*, No. 136, III, folio 329.

York, on his application, for three thousand dollars, for which the said State is to be accountable.[1]

That a warrant issue on the treasurer, in favour of Joseph Carleton, paymaster to the Board of War, for six thousand dollars, to enable him to exchange money out of circulation for officers and soldiers on their way to camp, and for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Joseph Carleton, paymaster to the Board of War and Ordnance, for six hundred thousand dollars, to be by him transmitted to Benjamin Stelle, Esq. deputy paymaster to the Rhode island department, for the use of the troops there, to be charged to the account of Ebenezer Hancock, Esq. deputy paymaster general at Boston, who is to be furnished with a copy of this order.[2]

That a warrant issue on the treasurer in favour of William Young, steward to the President of Congress, on his application, for five thousand dollars, for which he, the said steward, is to be accountable.

That a warrant issue on the treasurer, in favour of Isaac Melcher, barrack master general, on his application, for two hundred thousand dollars, for the use of his department, and for which he is to be accountable.[3]

That upon application from the State of Connecticut, a warrant issue on the treasurer in favor of their delegates, for 150,000 dollars, the said State to be accountable, and to repay a like sum to the commissioner of the continental loan office thereof in the month of August next, with interest at six per

[1] This report, dated May 21, P. M., is in the *Papers of the Continental Congress*, No. 136, III, folio 323.

[2] This paragraph is based upon a "letter of the 17th instant from General Washington, with a letter to him of the 7th, and one to Congress of the 4th, from General Gates."

[3] This report, dated May 21, is in the *Papers of the Continental Congress*, No. 136, III, folio 325. It also contained the paragraphs for signers of bills of credit, commissioners of accounts and Joseph Clay, *post*.

cent. per annum, transmitting duplicate receipts to the Board of Treasury:

That upon application from the State of Massachusetts bay, a warrant issue on the treasurer in favor of Mr. John Lowell, for 800,000 dollars, the said State to be accountable, and to repay 500,000 dollars thereof to the commissioner of the continental loan office of the said State in the month of August next, with interest at six per cent. per annum, transmitting duplicate receipts to the Board of Treasury:

That upon application from the State of Virginia, a warrant issue on the treasurer in favor of John Moss, Esq. for 300,000 dollars, the said State to be accountable, and to pay a like sum to the commissioner of the continental loan office thereof in the month of August next, with interest at six per cent. per annum, transmitting duplicate receipts to the Board of Treasury.

Resolved, That the auditors of the army be authorized to increase the pay of such of their clerks as may merit the same, to a sum not exceeding 120 dollars per month, according to their respective abilities.

Resolved, That all continental officers who are or may be exchanged, and not continued in the service, be, after such exchange, considered as supernumerary officers, and entitled to the pay provided by a resolution of Congress, of the 24 November last.

That John Holker, Esq^{r} be authorized, agreeable to his proposition, to order a sum not exceeding five hundred thousand dollars to be paid in South Carolina to the order of the Executive Council of that State; that upon producing to the Board of Treasury a receipt for the money so paid he be entitled to a warrant on the Continental Treasurer for a like sum, and that the said State repay the same to the Commissioner of the Continental Loan Office thereof in the Month of August next, with interest at 6 p^{r} cent p^{r} annum, transmitting duplicate receipts to the Board of Treasury.[1]

Postponed.

[1] This report, dated May 18, is in the *Papers of the Continental Congress*, No. 136, III, folio 319.

Whereas the troops formerly serving in South Carolina and Georgia are united in one body, under the same commanding officer, and disorder may arise from having two military chests and pay masters in the same detachment of the army; and Joseph Clay, Esq. deputy pay master for Georgia, having represented that the money remaining in his hands will be soon expended, and a supply having been lately forwarded to John Lewis Gervais, deputy pay master for South Carolina:

Resolved, That the general commanding in South Carolina be authorized and directed to draw out of the hands of the said John Lewis Gervais, the balance which may be due from him to the public, and transfer it to the care of the said Joseph Clay, who shall be considered as the sole deputy pay master for the troops serving in South Carolina and Georgia, until the further order of Congress; and that Mr. Gervais adjust and transmit his accounts to the Board of Treasury for settlement:

In consequence of a recommendation from the Board of Treasury,

Resolved, That John Reed, William Coats, John Williams, George Bright, and Levy Budd, be appointed signers of the continental bills of credit.

The Committee on the Treasury nominate:

Mr. John Dyer Mercier and Mr. Philip Audibert, to be appointed commissioners of accounts.[1]

The delegates of New York, in behalf of their State, moved that Congress come to the following resolutions:

"Whereas divers of the inhabitants of a certain district of country, over a particular part of which the State of New York, and over the residue of which the State of New Hampshire, at the time when these United States were colonies of and subject to the crown of Great Britain, did exercise jurisdiction, have, under various pretences, refused allegiance

[1] See note on p. 629, *ante*.

thereto, and attempted to constitute themselves into a separate state, under the assumed name of the State of Vermont:

"*Resolved*, That the states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pensylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, are severally entitled to and ought to hold and be maintained in the possession of all the lands and territories, which appertained of right to each of them respectively, while they were colonies of and subject to the king of Great Britain.

"*Resolved*, That none of the said states ought to be, or shall be, divested of any lands or territories over which they respectively exercised jurisdiction at the time aforesaid, unless by judgment of Congress in favor of certain other of the said states claiming the same or any part thereof, and prosecuting that claim in the way prescribed by the articles of confederation.

"*Resolved*, That no part or district of one or more of the said states shall be permitted to separate therefrom, and become independent thereon, without the express consent and approbation of such state or states respectively.

"*Resolved*, That it be recommended to the inhabitants of the said pretended State of Vermont, to return peaceably to their former jurisdictions, that is to say, those who have separated from the State of New York, to the State of New York; and those who have separated from the State of New Hampshire, to the State of New Hampshire.

"*Resolved*, That Congress will readily hear, examine, and interpose, to obtain a redress of any grievances of which the said inhabitants may have cause to complain against their said respective states.

"*Resolved*, That nothing in the preceding resolutions contained shall be construed to confirm or prejudice the title of

the states of New Hampshire, or New York, to the jurisdictions aforesaid, or to exclude or bar any claims which other states may have thereto, or to any part thereof."

A motion was thereupon made by Mr. [Thomas] Burke, seconded by Mr. [Gouverneur] Morris,

That, on Saturday next, Congress be resolved into a committee of the whole to consider the foregoing resolutions.

On which the yeas and nays being required by Mr. [John] Jay,

New Hampshire,		
Mr. Whipple,	no	no
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Collins,	ay	ay
Connecticut,		
Mr. Sherman,	ay	ay
Spencer,	ay	
Huntington,	ay	
New York,		
Mr. Jay,	ay	ay
Duane,	ay	
Morris,	ay	
Floyd,	ay	
New Jersey,		
Mr. Fell,	ay	*
Pennsylvania,		
Mr. Armstrong,	no	ay
Shippen,	ay	
Atlee,	ay	
Muhlenberg,	ay	
Wynkoop,	ay	
Maryland,		
Mr. Plater,	ay	ay
Carmichael,	ay	
Jenifer,	ay	
Virginia,		
Mr. Smith,	ay	ay
R. H. Lee,	ay	
Fleming,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Burke,	ay	
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	

So it was resolved in the affirmative.

The Committee on the Post Office brought in a report; Whereupon,

Resolved, That the sum of ten thousand dollars be issued to the postmaster general, he to be accountable, and to pay it out for the public service, under the direction of the committee on the general post office.

On this question, the yeas and nays being required by Mr. [Thomas] Burke,

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Collins,	ay	ay
Connecticut,		
Mr. Sherman,	no	no
Huntington,	no	
Spencer,	ay	
New York,		
Mr. Jay,	ay	ay
Duane,	ay	
Morris,	ay	
Floyd,	ay	
New Jersey,		
Mr. Scudder,	no	div.
Fell,	ay	
Pennsylvania,		
Mr. Armstrong,	no	ay
Shippen,	ay	
Atlee,	ay	
Searle,	ay	
Muhlenberg,	ay	
Wynkoop,	ay	
Maryland,		
Mr. Plater,	no	div.
Carmichael,	ay	
Henry,	no	
Jenifer,	ay	
Virginia,		
Mr. Smith,	ay	ay
R. H. Lee,	ay	
Fleming,	ay	
North Carolina,		
Mr. Penn,	ay	no
Burke,	no	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	

So it was resolved in the affirmative.

The committee to whom was referred the letter from the Minister Plenipotentiary of France, with the note from Don Juan de Mirailles, dated May 18, 1779, brought in a report; Whereupon,

Resolved, That the resolutions of Congress, passed on the sixth day of March last, relative to the controul of Congress by appeal in the last resort over all jurisdictions for deciding the legality of captures on the high seas, be immediately transmitted to the several states; and that they be respectively requested to take effectual measures for conforming therewith.

That the State of Massachusetts Bay, in particular, be requested to take effectual measures to expedite and facilitate an appeal from the decision of their courts on the cases of vessels or cargoes, claimed as ~~Spanish~~ neutral property, if it shall be demanded by either party.

Resolved, That the following letter be written to the Minister Plenipotentiary of France, and signed by the President:

Sir, Congress having taken into consideration your letter of the 19 of this month, I am directed to assure you, that as soon as the matter shall in due course come before them, they will attend very particularly to the cases of the vessels stated in the note from Don Juan de Mirailles to have been sailing under the flag of his Catholic Majesty, and captured by armed vessels under the flag of the United States; and that they will cause the law of nations to be most strictly observed: that if it shall be found, after due trial, that the owners of the captured vessels have suffered damage from the misapprehension or violation of the rights of war and neutrality, Congress will cause reparation to be made in such manner as to do ample justice and vindicate the honor ~~and dignity~~ of the Spanish flag.

That Congress have every possible disposition to cultivate the most ~~liberal~~ perfect harmony with his Catholic majesty, and to encourage the most ~~free~~ liberal and friendly intercourse between his subjects and the citizens of these United States; but they cannot, consistently with the powers entrusted to them and the rights of the states and of individuals, in any case, suspend or interrupt the ordinary course of justice.[1]

The Control by appeal, in the last resort, over decisions on captures made on the high seas, which is reserved to Congress, enables them to preserve the Law of Nations inviolate, without the necessity of *arbitrary* Interpositions in Judicial proceedings, which are by no means tolerable under the free Government of the United States.

[1] The letter was entered in the journal only to this point, the three last paragraphs not being adopted.

This control, so necessary for the preservation of the general peace of the United States, Congress will exercise in all cases where good Government requires it, and they doubt not that they shall meet with ready and cheerful Obedience.

They wish Don Juan to rest assured, that in the particular cases to which he refers, Congress will take every measure which is within their Constitutional powers.[1]

On motion of Mr. [James] Duane, seconded by Mr. [Gouverneur] Morris, Congress came to the following resolution:

Whereas, a proposition has been made for exchanging a number of the good citizens of these states, who are in captivity at Niagara and its vicinity, for disaffected citizens who are desirous to join the enemy:

Resolved, That the commissioners of Indian affairs for the northern department, or any two of them, be authorized and directed, with the concurrence of the Commander in Chief and the governor or executive authority of the several states, whose citizens, respectively, shall be the subject of the proposed exchanges, to negotiate and settle such exchange in the manner and on the terms they shall judge reasonable and expedient.

The House proceeded to consider the report of the Committee of thirteen on Foreign Affairs. Upon motion,

Ordered, That the absent members be summoned to attend.

A memorial, of this date, from the hon^{ble} Sr. Gérard, Minister plenipotentiary of France, was read; Whereupon,

Resolved, That the further consideration of the report of the said committee, and of the said memorial be postponed, and that the same, together with the report of the committee on the communications from the said Minister, be taken into consideration immediately after reading the journal on Tuesday next.

Adjourned to 10 oClock on Monday.

[1] This report, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 25, I, folio 111.

MONDAY, MAY 24, 1779

A petition of James Stevenson was read:

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

A memorial from Colonel Lewis Dubois was read:[1]

Ordered, That a copy thereof be sent to General Washington.

A letter, of 16, from B. P. Smith, was read:

Ordered, To lie on the table.

A letter, of 22nd, from Silas Deane, was read:

Whereupon sundry motions being made, a question of order was raised on the last; after debate, the member who moved the question of order desired leave to withdraw.

On the question shall the member have leave to withdraw his motion, all the States answered in the affirmative, except one which was divided;

Whereupon a question arose whether leave is given. On this question, the yeas and nays being required by Mr. [John] Jay,

New Hampshire,			*New York*,		
Mr. Whipple,	ay	ay	Mr. Jay,	no	ay
Massachusetts Bay,			Duane,	ay	
Mr. S. Adams,	ay	ay	Morris,	ay	
Gerry,	no		*New Jersey*,		
Lovell,	ay		Mr. Scudder,	no	div.
Holten,	ay		Fell,	ay	
Rhode Island,			*Pennsylvania*,		
Mr. Ellery,	no	div.	Mr. Armstrong,	ay	ay
Collins,	ay		Shippen,	ay	
Connecticut,			Muhlenberg,	ay	
Mr. Sherman,	ay	ay	Wynkoop,	ay	
Huntington,	ay		*Delaware*,		
Spencer,	ay		Mr. Dickinson,	ay	ay

[1] Stevenson's petition is in the *Papers of the Continental Congress*, No. 42, VII, folio 73; the memorial of Dubois, dated May 12, is in No. 41, II, folio 445.

Maryland,			*North Carolina,*		
Mr. Plater,	ay		Mr. Penn,	ay	
Carmichael,	no	div.	Burke,	ay	ay
Henry,	no		Sharpe,	no	
Jenifer,	ay		*South Carolina,*		
Virginia,			Mr. Laurens,	ay	div.
Mr. Smith,	no		Drayton,	no	
R. H. Lee,	ay	ay			
Griffin,	ay				

So it was resolved in the affirmative.

Ordered, That the consideration of the letter of Mr. Deane, together with the last motion thereon, be postponed till to morrow.

Resolved, That the journals of a preceding day be open to correction during the whole of the next day.

A letter from Captain Thomas Buchanan was read, desiring leave for reasons therein set forth to resign his commission:

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

The delegates from Maryland laid before Congress a letter of 20th, from T. Johnson, governor of that State:

Ordered, That it be referred to the Board of War, and that the Board be directed to furnish, with all convenient despatch, to the State of Maryland, 600 stand of arms, for which the said State is to be accountable.

A letter, of this day, from the hon^ble^ Sr. Gérard was read: Whereupon,[1]

A motion was made by Mr. [Gouverneur] Morris, seconded by Mr. [William] Carmichael, in the words following:

Whereas Congress on the 15th of May last, did unanimously resolve, that all military officers commissioned by Congress, who then were or thereafter might be in the service of the United States, and should continue therein during the war, and not hold any office of profit under these states or any of

[1] The letter of Johnson is in the *Papers of the Continental Congress*, No. 70, folio 327; the Gérard letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 184.

them, should, after the conclusion of the war, be entitled to receive annually for the term of seven years, if they should live so long, one half of the present pay of such officers, with certain provisoes and limitations: and, whereas, the great sufferings, exemplary fortitude, and unshaken perseverance of the said officers, justly entitle them to the favorable notice of a grateful country, whose liberties they have bravely defended, supported and established: this Congress, therefore, mindful of their present sufferings, and willing to make future provision for the age of those whose youth, and health and ease, have been generously expended in the service of the public, do resolve and promise, that all military officers commissioned by Congress, who are or shall be in the service of the United States, and shall continue therein during the war, shall, after the conclusion thereof, receive annually during their natural lives one half of their present pay.

An objection being made against taking this into consideration, as being out of order; on the question, is the above motion in order, the yeas and nays being required by Mr. [William] Carmichael,

New Hampshire,		
Mr. Whipple,	no	no
Massachusetts Bay,		
Mr. S. Adams,	no	no
Gerry,	no	
Lovell,	no	
Holten,	no	
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Sherman,	no	no
Huntington,	no	
Spencer,	no	
New York,		
Mr. Jay,	no	no
Duane,	no	
Morris,	ay	
New Jersey,		
Mr. Scudder,	no	no
Fell,	no	
Pennsylvania,		
Mr. Armstrong,	no	no
Shippen,	no	
Muhlenberg,	no	
Wynkoop,	no	
Atlee,	no	
Delaware,		
Mr. Dickinson,	no	no
Maryland,		
Mr. Plater,	no	no
Carmichael,	ay	
Henry,	no	
Jenifer,	no	

Virginia,			*South Carolina,*		
Mr. Smith,	no		Mr. Laurens,	no	
Griffin,	no	no	Drayton,	no	no
Fleming,	no				
North Carolina,					
Mr. Penn,	no				
Burke,	no	no			
Sharpe,	no				

So it passed in the negative.

~~Mr. [Meriwether] Smith moved for leave to substitute a motion, which he read in his place, and leave being granted, the same was read at the table as follows:~~

Mr. Smith having previously obtained the general consent of the House, moved the following resolutions:

Whereas it hath been represented to Congress, that the enemy, at the time of, and since their landing in Virginia, have perpetrated the most unnecessary, wanton, and outrageous barbarities on divers of the citizens of that State, as well as on several of the subjects of his most Christian majesty residing therein; deliberately putting many of them to death in cool blood, after they had surrendered, abusing women, and desolating the country with fire:

Resolved, That the governor of Virginia be requested to cause diligent enquiry to be made into the truth of the above representations, and to transmit to Congress the evidence he may collect on the subject.

Resolved, That Congress will retaliate for cruelties and violations of the laws of nations, committed in these states against the subjects of his most Christian majesty, in like manner and measure as if committed against citizens of the said states; and that the protection of Congress shall be, on all occasions, equally extended to both.

A motion was made by Mr. [Gouverneur] Morris, seconded by Mr. [Henry] Laurens, that the consideration thereof be

postponed; and, on the question for postponing, the yeas and nays being required by Mr. [Henry] Laurens,

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. Gerry,	no	no
Lovell,	ay	
Holten,	no	
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Sherman,	ay	ay
Huntington,	ay	
Spencer,	ay	
New York,		
Mr. Jay,	no	no
Duane,	no	
Morris,	ay	
New Jersey,		
Mr. Scudder,	no	no
Fell,	no	
Pennsylvania,		
Mr. Armstrong	no	no
Shippen,	no	
Atlee,	no	
Muhlenberg,	no	
Wynkoop,	no	
Delaware,		
Mr. Dickinson,	no	no
Maryland,		
Mr. Plater,	no	div.
Carmichael,	ay	
Henry,	no	
Jenifer,	ay	
Virginia,		
Mr. Smith,	no	no
R. H. Lee,	no	
Griffin,	no	
Fleming,	no	
North Carolina,		
Mr. Penn,	no	no
Burke,	no	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	ay	div.
Drayton,	no	

So it passed in the negative.

Congress proceeded to consider the first resolution, and on the question, resolved in the affirmative.

After considering the second resolution, when the question thereon was about to be put, the previous question was moved by Mr. [Gouverneur] Morris, and seconded by Mr. [Henry] Laurens.

And on the previous question, the yeas and nays being required by Mr. [John] Jay,

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	div.
Gerry,	no	
Lovell,	ay	
Holten,	no	
Rhode Island,		
Mr. Ellery,	ay	ay
Collins,	ay	
Connecticut,		
Mr. Sherman,	no	no
Huntington,	no	
Spencer,	no	
New York,		
Mr. Jay,	no	no
Duane,	no	
Morris,	ay	
Floyd,	no	
New Jersey,		
Mr. Scudder,	ay	ay
Fell,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	no
Atlee,	no	
Muhlenberg,	no	
Wynkoop,	no	
Maryland,		
Mr. Plater,	no	div.
Carmichael,	no	
Henry,	ay	
Jenifer,	ay	
Virginia,		
Mr. Smith,	no	no
R. H. Lee,	no	
Griffin,	ay	
Fleming,	no	
North Carolina,		
Mr. Penn,	no	no
Burke,	no	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	ay	div.
Drayton,	no	

So it passed in the negative.

On the question to agree to the main question, the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,		
Mr. Whipple,	no	no
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	no	div.
Collins,	ay	
Connecticut,		
Mr. Sherman,	ay	ay
Huntington,	ay	
Spencer,	ay	

New York,		
Mr. Jay,	ay	ay
Duane,	ay	
Morris,	ay	
Floyd,	ay	
New Jersey,		
Mr. Scudder,	ay	ay
Fell,	ay	
Pennsylvania,		
Mr. Armstrong,	no	ay
Atlee,	ay	
Muhlenberg,	ay	
Wynkoop,	ay	
Maryland,		
Mr. Plater,	ay	ay
Carmichael,	ay	
Henry,	no	
Jenifer,	ay	
Virginia,		
Mr. Smith,	ay	ay
R. H. Lee,	ay	
Griffin,	ay	
Fleming,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Burke,	ay	
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	no	div.
Drayton,	ay	

So it was resolved in the affirmative.

Ordered, That Mr. R[ichard] H[enry] Lee have leave of absence.

A letter, of 15, from B. Harrison, deputy paymaster general in Virginia, was read:

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

Adjourned to 10 oClock to Morrow.

TUESDAY, MAY 25, 1779

The committee appointed to prepare an address to the United States on the present situation of affairs brought in a draught, which was twice read, and

Ordered, That it be re-committed.

Resolved, That on Thursday next, immediately after reading the journal, Congress proceed to the consideration of the report of the Committee of thirteen on Foreign Affairs, the memorial of the 22d from the Minister plenipotentiary of

France, the report from the committee on the communications from the said Minister, and the letter of 22, from Mr. Deane and motion made thereon.

Adjourned to 10 oClock to Morrow.

WEDNESDAY, MAY 26, 1779

An application from Mr. Mercer,[1] aid de camp to Major General Lee, was read, requesting a commission, such as his rank entitles him to, without attaching him to any particular corps, and without pay or any other emolument whatever, in order that he may be enabled to render service to his native country, Virginia, which is now attacked:

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

A letter, of 24, from General Washington, was read.[2]

A letter, of this day, from W. Palfrey, paymaster general, was read; Whereupon,

A report from the Board of Treasury being taken into consideration,

Ordered, That a warrant issue on the treasurer, in favour of Joseph Carleton, paymaster to the Board of War and Ordnance, for one million dollars, to be by him transmitted to William Palfrey, Esq. paymaster general for the use of his department, he to be accountable.

That a warrant issue on the treasurer, in favour of Major General Mifflin, late quarter master general, for fifty thousand dollars, to discharge debts due from that department, he to be accountable.

The Board of Treasury report, that they have considered a letter from the Board of War of the 21 May, together with

[1] Mercer's application is in the *Papers of the Continental Congress*, No. 147, III, folio 359. It was John Francis Mercer.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 373.

a fresh application from Colonel Melcher, barrack master general, for 200,000 dollars, in addition to a like sum granted the 22d, and are of opinion,

That Colonel Melcher be directed to dismiss all his deputies not at this post and Charlotteville, and make report of the names and stations of the deputy barrack masters so to be dismissed, to the Board of War, who shall issue orders to the quarter master general to put the barracks under the charge of his deputies:[1]

Resolved, That Congress agree to the report.

Ordered, That the letter, March 3, from Colonel G. Morgan, and the report of the Board of War, of April 29, respecting Job Chilloway's children, be referred to the Committee on Indian Affairs.

AT A BOARD OF WAR, *April 27, 1779.*

Present, Col Pickering and Mr Peters.

Colonel Morgan, Agent for Indian Affairs in the Western Department, having represented to the Board,

That Job Chilloway, a faithful Indian of the Delaware Tribe, was at the request of that Nation on his way to them from the Susquehannah, where he resided, in order to act as an Interpreter (for which he was well qualified); and being at Fort Pitt caught the Small Pox of which he died. His Mother also died there of the same disease. His wife (who was at the time of her husband's death lying in) on hearing thereof lost her senses and was sent by Col Morgan to her relations at Coshacking, where She now is entirely out of her reason. The child of which She was then delivered caught the small pox and died.

That Job Chilloway left Issue five children:

One Girl of 12 years of age, one Boy of 11, one Boy of 8, one Boy of 6, who are now at Carlisle, totally destitute of all support.

That as Chilloway was well settled on the Susquehanna, and left his farm to serve the United States to whom he was ever a firm and steady friend, and as the catastrophe happened to him and his family while he was in their service, and would in all probability have been

[1] This report, dated May 25, is in the *Papers of the Continental Congress*, No. 136, III, folio 341.

avoided had he remained at home, it will not only be pleasing to the friendly Indians of the Delaware Nation, but a piece of justice due the Children, that provision be made at Continental expence for their support and education. Wherefore the Board beg leave to report:

That until the farther order of Congress, Colonel Geo: Morgan, Agent for Indian Affairs in the Western Department, be authorized and directed to take proper measures for the maintainance and education of Job Chilloway's Children. That the Board of War give the necessary orders on the Clothier General for a supply of clothing for those Children, and that Colonel Morgan's accounts of expenditures from time to time for their support and education be settled and paid by the Treasury Board.[1]

A letter, of 25, from Thomas Paine, was read;[2] Whereupon,

A motion was made by Mr. [Nathaniel] Scudder, seconded by Mr. [William] Whipple,

That the letter lie on the table.

To which it was moved by Mr. [Thomas] Burke, seconded by Mr. [John] Armstrong, to add "until to morrow."

A motion was made by Mr. [Gouverneur] Morris, seconded by Mr. [William Henry] Drayton,

That Mr. Paine's letter of this day, together with his former letters upon the same subject, be referred to a committee, and that the committee be directed to enquire whether Mr. Paine has any other and what evidence against Mr. Deane, than what is now before Congress, and that they report specially and particularly thereon, with all convenient speed.

A motion was made by Mr. [Samuel] Adams, seconded by Mr. [James] Searle, that the consideration of the motion for committing be postponed, on which the yeas and nays being required by Mr. [Gouverneur] Morris,

[1] This report is in the *Papers of the Continental Congress*, No. 147, III, folio 283.

[2] This letter is in the *Papers of the Continental Congress*, No. 55, folio 65.

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Lovell,	no	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	ay	div.
Collins,	no	
Connecticut,		
Mr. Sherman,	ay	ay
Huntington,	ay	
Spencer,	ay	
New York,		
Mr. Jay,	no	no
Morris,	no	
Floyd,	no	
New Jersey,		
Mr. Scudder,	no	no
Fell,	no	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Shippen,	no	
Atlee,	no	
Searle,	ay	
Muhlenberg,	ay	
Wynkoop,	ay	
Maryland,		
Mr. Plater,	no	no
Carmichael,	no	
Henry,	ay	
Jenifer,	no	
Virginia,		
Mr. Smith,	no	no
Griffin,	no	
Fleming,	no	
North Carolina,		
Mr. Penn,	no	no
Burke,	no	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	

So it passed in the negative.

On the question to agree to the motion for committing, the yeas and nays being required by Mr. [Gouverneur] Morris,

New Hampshire,		
Mr. Whipple,	no	no
Massachusetts Bay,		
Mr. S. Adams,	no	no
Gerry,	ay	
Lovell,	no	
Holten,	no	
Rhode Island,		
Mr. Ellery,	no	no
Collins,	no	
Connecticut,		
Mr. Sherman,	no	no
Huntington,	no	
Spencer,	no	

New York,		
Mr. Jay,	ay	ay
Morris,	ay	
Floyd,	ay	
New Jersey,		
Mr. Scudder,	no	no
Fell,	no	
Pennsylvania,		
Mr. Armstrong,	no	div.
Shippen,	no	
Atlee,	ay	
Searle,	no	
Muhlenberg,	ay	
Wynkoop,	ay	
Maryland,		
Mr. Plater,	ay	ay
Carmichael,	ay	
Henry,	ay	
Jenifer,	ay	
Virginia,		
Mr. Smith,	ay	ay
Griffin,	ay	
Fleming,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Burke,	no	
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	no	div.
Drayton,	ay	

So it passed in the negative.

The House being informed that his excellency the president of Pensylvania, accompanied by several gentlemen, was at the door, with a petition signed by a number of the inhabitants of Pensylvania, as well as of other states, ~~relative to the subject of Finance~~ which he desired might be introduced and laid before Congress in the manner most agreeable to them.

Ordered, That his excellency the president and the gentlemen accompanying him be introduced, in order that he may present the petition.

Accordingly, being introduced, the president addressed the House in a short speech, presented the petition, and withdrew:

The petition was then read;

Ordered, That the same be taken into consideration, with the report of the Board of Treasury on finance.

His excellency the president of the State having suggested that some gentlemen had signified a doubt as to the propriety of presenting the said petition:

Resolved, unanimously, That Congress will at all times, cheerfully receive the sentiments of their constituents upon every important matter which may become a subject of their deliberations.

The committee to whom was recommitted the draught of an address to the several states on the present situation of affairs, brought in a new draught, which was read, amended, and unanimously agreed to as follows:

Ordered, That 500 copies be printed.

TO THE INHABITANTS OF THE UNITED STATES OF AMERICA

FRIENDS AND COUNTRYMEN,

The present situation of public affairs demands your most serious attention, and particularly the great and increasing depreciation of your currency requires the immediate, strenuous and united efforts of all true friends to their country, for preventing an extension of the mischiefs that have already flowed from that source.

America, without arms, ammunition, discipline, revenue, government or ally, almost totally stript of commerce, ~~and at an Age of Weakness, like the young Shepherd of Israel,~~ and in the weakness of youth, as it were, with a "staff and a sling" only, dared, "in the name of the Lord of Hosts," to engage a gigantic adversary, prepared at all points, boasting of his ~~power~~ strength, and of whom even mighty warriors "were greatly afraid."

For defraying the expences of this uncommon war, your representatives in Congress were obliged to emit paper money; an expedient that you knew to have been before generally and successfully practised on this continent.

They were very sensible of the inconveniences with which too frequent emissions would be attended, and endeavoured to avoid them. For this purpose, they established loan offices so early as in October, 1776, and have from that time to this, repeatedly and earnestly solicited you to lend them money on the faith of the United States. ~~So little have their applications availed that all~~ The sums received on loan have nevertheless proved ~~quite~~ inadequate to the public exigencies. Our enemies prosecuting the war by sea and land with implacable fury and with some success, taxation at home and borrowing abroad, in the midst of difficulties and dangers, were alike impracticable. Hence the continued necessity of new emissions.

But to this cause alone we do not impute the evil ~~complained of~~ before mentioned. We have too much reason to believe it has been in part owing to the artifices of men who have hastened to enrich themselves by monopolizing the necessaries of life, and to the misconduct of inferior officers employed in the public service. ~~This Opinion is confirmed by our Observation, that the Rise of Articles in price, [extravagant for some months past] extravagantly exceeds a proportion to the Emissions within that Period, or for a considerable time immediately preceding it.~~

The variety and importance of the business entrusted to your delegates, and their constant attendance in Congress, ~~of course~~ necessarily disables them from investigating ~~or remedying~~ disorders of this kind. Justly apprehensive of them, they, by their several resolutions of the 22d of November and 20th of December, 1777, and of the 3d and 9th of February, 1778, recommended to the legislative and executive powers of these states a due attention to these interesting affairs. How far those recommendations have been complied with, we will not undertake to determine: but we hold ourselves bound in duty to you to declare, that we are not convinced there has been as much ~~Industry~~ diligence used in detecting and ~~punishing~~ reforming abuses as there has been in committing or complaining of them.

With regard to monopolizers, ~~of the Produce of these States, you will observe there is some distinction between them, and Dealers in foreign Commodities. These are brought to America at a great risque. The Importers, by selling their Cargoes quickly by wholesale, may be enabled expeditiously, and therefore certainly with less Expence, and perhaps with less Hazard to prosecute their outward bound voyage. However, against the unreasonable Profits of Dealers in these Articles may be applied Frugality in using them and Industry in manufacturing them.~~ It is our opinion, that taxes judiciously laid on such ~~Merchandizes~~ articles as become the objects of engrossers, and those frequently collected, would operate against the pernicious tendency of such practices ~~without discouraging Importation.~~

~~On the other Hand, Monopolizers of produce buy Commodities on the Spot where they are raised, with the known and often avowed Design of selling them at an advanced price to their distrest Countrymen. Against this Mischief, as the Articles are absolutely necessary, no Remedy can be applied but wise Laws strictly executed.~~

As to inferior officers employed in the public service, we anxiously desire to call your most vigilant attention to their conduct with respect

to every species of *mis*behaviour, whether proceeding from ignorance, negligence, or fraud, and to the making of laws for inflicting exemplary punishments on all offenders of this kind.

We are sorry to hear that some persons are so slightly informed of their own interests as to suppose that it is advantageous to them to sell the produce of their farms at enormous prices, when a little reflection might convince them that it is injurious to those interests and to the general welfare. If they expect thereby to purchase imported goods cheaper, they will be egregiously disappointed; for the merchants, who know they cannot obtain returns in gold, silver, or bills of exchange, but that their vessels, if loaded here at all, must be loaded with produce, will raise the prices of what they have to sell, in proportion to the prices of what they have to buy; and, consequently, the land holder can purchase no more foreign goods for the same quantity of his produce than he could before.[1]

The evil, however, does not stop at this point. The land holder, by acting on this mistaken calculation, is only labouring to accumulate an immense debt by increasing the public expences, for the payment of which his estate is engaged, and to embarrass every measure adopted for vindicating his liberty and securing his prosperity.

~~If practicable, the collecting Taxes, or part of them in kind, or borrowing in produce from the Raisers at fixed prices for public Use, might be advantageous; and we request You to consider, how far some Mode of this kind may be accommodated to the particular Dispositions and Circumstances of your respective States.~~

As the harvests of this year, which, by the divine goodness, promise to be plentiful, will soon be gathered, and some new measures relating to your foreign concerns, with some arrangements relating to your domestic, are now under consideration, from which beneficial effects are expected, we entertain hopes that your affairs will acquire a much greater degree of regularity and energy than they have hitherto had.

But we should be highly criminal if we did not plainly tell you that those hopes are not founded wholly upon our own proceedings. These must be supported by your virtue, your wisdom and your diligence. From the advantage of those seats in the national council with which you have honoured us, we have a pleasing prospect of many blessings approaching this our native land. It is your patriotism must introduce and fix them here.

[1] Against this paragraph is written "recommitted and agreed to."

In vain will it be for your delegates to form plans of œconomy, to strive to stop a continuation of emissions by taxation or loans, if you do not zealously co-operate with them in promoting their designs, and use your utmost industry to prevent the waste of money in the expenditure, which your respective situations in the several places where it is expended, may enable you to do. A discharge of this duty and a compliance with recommendations for ~~raising~~ supplying money, ~~and a proper support of the Loan Offices~~ might enable Congress to give speedy assurances to the public that no more emissions shall take place, ~~after the present year,~~ and thereby close that source of depreciation.

Your governments being now ~~regulated~~ established, and your ability to contend with your invaders ascertained, we have, on the most mature deliberation, judged it indispensably necessary to call upon you for 45,000,000 of dollars, in addition to the 15,000,000 required by a resolution of Congress of the 2d of January last, to be paid into the continental treasury before the 1st day of January next, in the same proportion, as to the quotas of the several states, with that for the said fifteen million.

It appeared proper to us to fix the first day of next January for the payment of the whole; but as it is probable that some states, if not all, will raise part of the sums by instalments or otherwise before that time, we recommend, in the strongest manner, the paying as much as can be collected as soon as possible into the continental treasury.

Though it is manifest that moderate taxation in times of peace will recover the credit of your currency, yet the encouragement which your enemies derive from its depreciation, and the present exigencies, demand great and speedy exertions. ~~to counteract them; and that which we have now adopted is from peculiar Circumstances attended with to produce this Consequence [tends from a singularity of Circumstances to indemnify you] for paying large sums, by increasing the Value of what remains in your Hands, as well as to secure those Blessings for yourselves and your posterity, for which you have declared and proved that You deem no price too high.~~

~~We do not doubt but the raising these sums will press heavily on some of our Constituents. Their Case we sincerely deplore. We are persuaded You will use all possible Care to make the advancement [promotion] of the general Weal interfere as little as may be with the Ease and Comfort of individuals. Perhaps it may contribute to this desirable purpose to receive sums in advance from the more wealthy,~~

~~on the abatement of their future Taxes upon equitable Terms. Though when we consider that large Quantities of the Currency have past into the possession of Landholders, Tradesmen, Merchants and Labourers, who constitute the Bulk of the people, we cannot believe, the Pressure will be extensive. On the other Hand, when we feel the obligations urging us to Attempts for appreciating that Currency to your venerable Clergy, the truly helpless Widows and Orphans, your most gallant, generous, meritorious Officers and Soldiers, and supporting the public Faith, and for the Common weal, we cannot withhold our nor be disobedient to the authoritative Sensations.~~

We are persuaded you will use all possible care to make the promotion of the general welfare interfere as little as may be with the ease and comfort of individuals: but tho' the raising these sums should press heavily on some of our constituents, yet the obligations we feel to your venerable clergy, the truly helpless widows and orphans, your most gallant, generous, meritorious officers and soldiers, the public faith and the common weal, so irresistibly urge us to attempt the appreciation of your currency, that we cannot withhold obedience to those authoritative sensations.[2]

On this subject we will only add, that as the rules of justice are most pleasing to our infinitely good and gracious Creator, and an adherence to them most likely to obtain his favour, so they will ever be found to be the best and safest maxims of human policy.

To our constituents we submit the propriety and purity of our intentions, well knowing they will not forget, that we lay no burthens upon them, but those in which we participate with them; a happy sympathy, that pervades societies formed on the basis of equal liberty. Many cares, many labours, and may we not add, reproaches, are peculiar to us. These are the emoluments of our unsolicited stations; and with these we are content, if you approve our conduct. If you do not, we shall return to our private condition with no other regret, than that which will arise from our not having served you as acceptably and essentially as we wished and strove to do, though as chearfully and faithfully as we could.

Think not we despair of the commonwealth, or endeavour to shrink from opposing difficulties. No. Your cause is too good, your objects too sacred to be relinquished. We tell you truths, because you are freemen who can bear to hear them and may profit by them; and when

[2] This paragraph, in the writing of Gouverneur Morris, is on folio 251.

they reach your enemies, we fear not the consequences, because we are not ignorant of their resources or our own. Let your good sense decide upon the comparison. Let even their prejudiced understandings decide upon it, and you need not be apprehensive of the determination.

Whatever supposed advantages from plans of rapine, projects of blood, or dreams of domination, may heretofore have amused their inflamed fancies, the conduct of one monarch, the friend and protector of the rights of mankind, has turned the scale so much against them, that their visionary schemes vanish as the unwholesome vapours of night before the healthful influences of the sun.

An alliance has been formed between his most Christian majesty and these states, on the basis of the most perfect equality, for the direct end of maintaining effectually their liberty, sovereignty and independence, absolute and unlimited, as well in matters of government as of commerce. The conduct of our good and great ally towards us, in this instance and others, has so fully manifested his sincerity and kindness, as to excite, on our part, correspondent sentiments of confidence and affection.

Observing the interests of his kingdom, to which duty and inclination prompted his attention, to be connected with those of America, and the combination of both clearly to coincide with the beneficent designs of the Author of Nature, who unquestionably intended men to partake of certain rights and portions of happiness, his majesty perceived the attainment of these views to be founded on the single proposition of a separation between America and Great Britain.

The resentment and confusion of your enemies will point out to you the ideas you should entertain of the magnanimity and consummate wisdom of his most Christian majesty ~~in framing this alliance~~ on this occasion.

They perceive, that selecting this grand and just idea from all those specious ones that might have confused or misled inferior judgment or virtue, and satisfied with the advantages which must result from that event alone, he has cemented the harmony between himself and these states, not only by establishing a reciprocity of benefits, but by eradicating every cause of jealousy and suspicion. They also perceive with similar emotions, that the moderation of our ally, in not desiring an acquisition of dominion on this continent, or an exclusion of other nations from a share of its commercial advantages, so useful to them, has given no alarm to those nations, but in fact has interested them in

the accomplishment of his generous undertaking, to dissolve the monopoly thereof by Great Britain, which has already contributed to elevate her to her present power and haughtiness, and threatened if continued to raise both to a height insupportable to the rest of Europe.

In short, their own best informed statesmen and writers confess that your cause is exceedingly ~~popular with~~ favoured by courts and people in that quarter of the world, while that of your adversaries is equally reprobated; and from thence draw ominous and well grounded conclusions, that the final event must prove unfortunate to the latter. Indeed, we have the best reason to believe that we shall soon form other alliances, and on principles honourable and ~~favorable~~ beneficial to these states.

Infatuated as your enemies have been from the beginning of this contest, do you imagine they can now flatter themselves with a hope of conquering you, unless you are false to yourselves?

When unprepared, undisciplined, and unsupported, you opposed their fleets and armies in full conjoined force, then, if at any time, was conquest to be apprehended. Yet what progress towards it have their violent and incessant efforts made? Judge from their own conduct. Having devoted you to bondage, and after vainly wasting their blood and treasure in the dishonorable enterprise, they deigned at length to offer terms of accommodation, with respectful addresses, to that once despised body, the Congress, whose humble supplications only for peace, liberty and safety, they had contemptuously rejected, under pretence of its being an unconstitutional assembly. Nay, more; desirous of seducing you into a deviation from the paths of rectitude, from which they had so far and so rashly wandered, they made most specious offers to tempt you into a violation of your faith given to your illustrious ally. Their arts were as unavailing as their arms. Foiled again, and stung with rage, embittered by envy, they had no alternative, but to renounce the inglorious and ruinous controversy, or to resume their former modes of prosecuting it. They chose the latter. Again the savages are stimulated to horrid massacres of women and children, and domestics to the murder of their masters. Again our brave and ~~unfortunate~~ unhappy brethren are doomed to miserable deaths in gaols and prison ships ~~and again are venal princes sollicited to hire out their wretched subjects to commit Butcheries in those distant Regions~~. To complete the sanguinary system, all the "extremities of war" are by authority denounced against you.

Piously endeavor to derive this consolation from their remorseless fury, that the "Father of Mercies" looks down with disapprobation on such audacious defiances of his holy laws; and be further comforted with recollecting, that the arms assumed by you in your righteous ~~defensive~~ cause, have not been sullied by any unjustifiable severities.

Your enemies, despairing, however, as it seems, of the success of their united forces against our main army, have divided them, as if their design was to harass you by predatory, desultory operations. If you are assiduous in improving opportunities, Saratoga may not be the only spot on this continent to give a new denomination to the baffled troops of a nation impiously priding herself in notions of her omnipotence.

Rouse yourselves, therefore, that this campaign may finish the great ~~and good~~ work you have so nobly carried on for several years past. What nation ever engaged in such a contest under such a complication of disadvantages, so soon surmounted many of them, and in so short a period of time had so certain a prospect of a speedy and happy conclusion ~~of their labours~~. We will venture to pronounce that so remarkable an instance exists not in the annals of mankind. We well remember what you ~~thought~~ said at the commencement of this war. You saw the immense difference between your circumstances and those of your enemies, and you knew the quarrel must decide on no less than your lives, liberties, and estates. All these you greatly put to every hazard, ~~generously~~ resolving to die freemen rather than to live slaves; and justice will oblige the impartial world to confess you have uniformly acted on the same generous principle. Consider how much you have done, and how comparatively little remains to be done to crown you with success. Persevere, and you ensure peace, freedom, safety, glory, sovereignty, and felicity, to yourselves, your children, and your children's children.

~~If neither were have judged it be a sight pleasing to them in itself to see a good Man struggling with Misfortunes, more especially if brought upon him by his own Integrity. no rare Ex[ample] among frail and frequently deceived Mortals so that they may be slightly [ ] in the [ ] the End; how much more delightful must it be for [those] that "are too pure, to behold Iniquity" to view [our own] People bravely breasting the Storms of Adversity raised against them by the Demons of Ambition, Cruelty and Arrogance.~~

Encouraged by favours already received from infinite goodness, gratefully ~~confessing~~ acknowledging them, ~~humbly~~ earnestly implor-

ing their continuance, constantly endeavoring to draw them down on your heads by an amendment of your lives, and a conformity to the divine will, humbly confiding in the protection so often and wonderfully experienced, vigorously employ the means placed by Providence in your hands, for compleating your ~~laudable~~ labours.

Fill up your battalions: be prepared in every part to ~~resist~~ repel the incursions of your enemies; place your several quotas in the continental treasury; lend money for public uses; sink the emissions of your respective states; provide effectually for expediting the conveyance of supplies ~~from one place to another~~ for your armies and fleets, and for your allies; prevent the ~~monopolies of~~ produce of the country from being monopolized: effectually superintend the behaviour of public officers; diligently promote piety, virtue, brotherly love, learning, frugality, and moderation; and may you be approved before Almighty God worthy of those blessings we devoutly wish you to enjoy.

~~This is a great Exertion, not alone Taxation promote Union If you distrust public officers remove them and restore Credit and Influence to govt. Tax Art of Monop[olies] make tax equal.~~[1]

~~That it be manifest, that moderate Taxation in Times of peace will restore the Credit of your Currency, yet the Encouragement which your Enemies derive from its Depreciation and the present Exigences demand great and speedy and vigorous Exertions to counteract them; and that which we have adopted is attended with this plain Consequence, from a singular [state] of Circumstances, that large as the sums are when you will pay, the very payment of them tends to encrease the the value of what remains in your Hands, as well as to secure those inestimable Blessings for yourselves and your posterity, for which we know You would think no Price too great.~~

~~We do not doubt.~~[2]

[1] Probably crude notes for a paragraph.

[2] This address, in the writing of John Dickinson, is in the *Papers of the Continental Congress*, No. 24, folio 243. On folio 441, in the writing of William Henry Drayton is the following proclamation:

"*By the Congress of The United States of North America:*

"A PROCLAMATION.

"The circumstances attending the violation of the rights of America, by Great Britain, and the events of the present war in consequence of that violation, have manifested, that the supreme ruler of Heaven and earth, led these United States out of

Done in Congress, by unanimous consent, this twenty-sixth day of May, one thousand seven hundred and seventy-nine.

JOHN JAY, *President.*

Attest, CHARLES THOMSON, *Secretary.*

On motion of Mr. [William] Fleming, seconded by Mr. [Thomas] Burke,

Resolved, That it be referred to the Board of War to consider whether it be expedient that so many horses be forth-

bondage; and that it is he who hath made them Independent. A situation in which only, they can be secure against their enemies; and from which mankind can receive those blessings, which, the great father of all, hath designed, they should enjoy from the civilization of this new world.

"The United efforts of these states under the favor of heaven have hitherto rendered vain, the mighty exertions against them by, the King of Great Britain, by arms; and have frustrated the destructive designs of that prince, by negotiations. Happily the United States by experience know, that such efforts are capable of securing them against his power; and that their duty to God, to themselves, to their posterity, and to mankind, impels them to exert those efforts to the utmost of their ability.

"The present season for military operations, furnishes them with an opportunity of discharging this great duty. The smiles of their creator upon their past actions must inspire them with religious confidence in their future exertions; the hardships they have suffered, enable them to encounter new difficulties; and their great ally regarding their Cause as his own, and taking part in the war, must warm their affections, excite their emulation, and invigorate their proceedings.

"The arduous contest with Great Britain, sustained in its commencement, under almost every possible disadvantage, hath been so conducted, and the war is now in such a situation that the ultimate objects of these United States are speedily to be obtained, if they will make those exertions which the favorable conjuncture demands, and which are within their power to perform. Wherefore the Congress do announce to their constituents, that the present campaign will afford them an opportunity to bring the war to a speedy and glorious conclusion, notwithstanding the endeavors of the enemy to prolong it; but that the most vigorous efforts of these states will be necessary, and that such efforts will be called for, according to the nature of the intended operations. And, it is hereby in the strongest manner recommended to the legislatures of the several states, to arm their executive powers in the present important conjuncture, with ample authority to call forth and to direct the public strength, against the common enemy, to the executive powers, to lose no time in making arrangements for the most decisive movements—and to the faithful citizens, to act with that vigor, which is necessary to establish the honor and the Independance of their nation.

"Done in Congress at Philadelphia, the — day of May, 1779, and in the 3d year of the Independance of the United States of North America.

"President.

"Attest,

Secretary."

with purchased as will be necessary to remount such of Colonel Baylor's regiment as are without horses, and to make such order therein as they may judge will best promote the service of the United States.

Adjourned to 10 oClock to Morrow.

THURSDAY, MAY 27, 1779

A letter, of 25, and a memorial, of this day, from the hon^ble^ Sr Gérard, minister plenipotentiary, were read.[1]

WAR OFFICE, *May 27, 1779.*

Application having lately been made to this Board by the Rev^d^ M^r^ , brigade Chaplain to the light Dragoons, for his pay, the Board were struck with the obvious inutility of such an Officer: because from the almost constantly detached situation of those Corps it is very probable he may be able to perform divine service among them scarcely once a year: The Board therefore beg leave to report:

The Corps of Light Dragoons being generally detached from each other, which renders it impracticable for their brigade Chaplain to perform the duties of his office,

Resolved, That such a Chaplain is not necessary; and that the present brigade Chaplain to the light Dragoons be therefore discharged from the service.[2]

WAR OFFICE, *May 27, 1779.*

The Board having considered the petition of M^r^ Mercer, Aid de Camp to Major General Lee, for the Commission of Major, beg leave to observe:

That in 1778 he was appointed from the line an Aid as aforesaid: that by the establishment of the Army made the 27^th^ of May, 1778, it is resolved: That Aids de Camp before that time appointed from the line should hold the rank they then held, and be admissible into the line again in the same rank they held when taken from the line: That from the information of Colonel Heth, of the 3^d^ Virginia Regiment, to which M^r^ Mercer does or did belong, it appears he was last

[1] This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 185.

[2] This report is in the *Papers of the Continental Congress*, No. 147, III, folio 353. It is endorsed: "Passed, August 23, 1781."

summer, by his own consent, arranged as a Captain in said regiment, to the exclusion of several other Captains of Merit, either of whom would gladly have served; and his name now stands in the arrangement of the Captain of that Regiment. That if Mr Mercer is still in the service, and was appointed an Aid de Camp to General Lee before the 27th of May, 1778, he now holds the brevet rank of Major: That the Board take the Object of his present application to be, the obtaining a full Commission of Major without being attached to any particular Corps: That the giving him such a Commission, especially if he is not now in the service, with a view, (which the Board conceive to be his meaning) to entitle him to occasional command, would be universally disgusting, and not submitted to by any Officer in the line. That it appears in divers resolves, to have been the intention of Congress to grant such Commissions, or brevets, only in cases of very distinguished merit: That the Board tho' they have a good opinion of Mr Mercer's military talents, are not informed of such distinguished merit on his case; and therefore beg Leave to report:

That the petition of Mr Mercer, Aid de Camp to Major General Lee, requesting a Commission of Major in the line, be dismissed.

The consideration of this case led to an examination of the Resolutions of Congress on the subject; and this examination has suggested to the Board the expediency of making some provision to prevent Staff appointments of officers from the line, from rendering their Offices mere Sinecures; tho' we do not hereby advert to any particular instance or person; and therefore we beg leave to report:

That any Officer who shall resign a Commission which he has in any regiment or Corps, and who at that time also enjoys a rank in the Army Superior to his said regimental Commission, shall not be considered as entitled to any rank whatever in the Army, unless Congress shall expressly otherwise order.

That no Officer having a rank in the Army Superior to that of the Commission he bears in any regiment or Corps, shall be exempted from attendance at Camp, or quarters and doing regimental duty according to his rank in the Corps to which he belongs; unless appointed and acting as an Officer on the Staff.[1]

According to order, Congress proceeded to the consideration of the report of the committee on the communications from the Minister plenipotentiary of France, &c. and some time being spent thereon,

[1] This report is in the *Papers of the Continental Congress*, No. 147, III, folio 355.

Congress resumed the consideration of the subject under debate on the 12th and 13th instant; and after debating the substitute, as amended on the 13th, it was agreed by unanimous consent, That all substitutes and amendments to the third article, agreed to the 22d of March last, be withdrawn.

On motion of Mr. [Meriwether] Smith, seconded by Mr. [Henry] Laurens,

Resolved, That the said third article be repealed.

On motion of Mr. [Thomas] Burke, seconded by Mr. [William Henry] Drayton,

Resolved, That in no case, by any treaty of peace, the common right of fishery be given up.[1]

Adjourned to 10 oClock to Morrow.

FRIDAY, MAY 28, 1779

A letter, of 25, and one, of 26, from General Washington, were read.[2]

A petition from Isaac Forster and others, officers of the hospital in the eastern department, was read:

Ordered, That it be referred to the Medical Committee.

According to the order of the day, Congress proceeded to the consideration of the report of the Treasury Board on finance; and thereupon came to the following resolution:

Whereas it is indispensably necessary that the greatest œconomy should be introduced into the public expenditures:

Resolved, That a committee of three be appointed to make strict enquiry into the establishments and contingent expences of the respective boards and departments, and to consider and report the retrenchments and reformations

[1] These proceedings were entered only in the Manuscript Secret Journal, Foreign Affairs.

[2] Washington's letter, of the 26, is in the *Papers of the Continental Congress*, No. 152, VII, folio 375; that of the 25, on folio 379.

which shall appear to be practicable and expedient; and that they have power to call for returns from the offices, and for information from the officers of any department, and to confer thereon with the Commander in Chief:

The members chosen, Mr. [John] Dickinson, Mr. [Roger] Sherman, and Mr. [Nathaniel] Scudder.

On motion of Mr. [Thomas] Burke, seconded by Mr. [Henry] Laurens,

Resolved, That it be referred to the Board of Treasury to consider of, and, if they judge it expedient, report a plan for anticipating the taxes recommended to be raised in the several states by the subscriptions of public spirited individuals, to be repaid when the tax shall be collected.

The Board of Treasury having reported that, in their opinion, it will be impracticable to carry on the war by paper emissions at the present enormous expences of the commissary general's, quarter master general's, and medical departments: that it appears to them that a general opinion prevails, that one cause of the alarming expences in these departments arises from allowing commissions to the numerous persons employed in purchasing for the army, and that a very general dissatisfaction has taken place on that account among the citizens of these United States; and that, in their opinion, it is necessary to put the said departments on a different footing with respect to the expenditure of public money:

Resolved, That the same be referred to a committee of three, and that they be directed to report a plan for the purpose:

The members chosen, Mr. [John] Dickinson, Mr. [Samuel] Huntington, and Mr. [Thomas] Burke.

On motion of Mr. [John] Dickinson, seconded by Mr. [William] Carmichael,

Resolved, That a committee of three be appointed to consider the most advisable mode of negotiating a foreign loan,

to what amount, and in what manner the same may be most advantageously applied to the use of these states:

The members chosen, Mr. [John] Dickinson, Mr. [Henry] Laurens, and Mr. [Meriwether] Smith.

AT A BOARD OF WAR, *May 28th, 1779.*

Present, Col Pickering and Mr Peters.

Agreed to Report to Congress:

That the supreme executive authorities of the respective States be authorized to allow to persons apprehending deserters, the Sum of thirty dollars for each deserter apprehended and delivered into safe custody in the State, or sent to their respective regiments, and also $\frac{3}{9}\frac{6}{0}$ths of a dollar for each mile between the place in which they may be taken and to which they may be conveyed; and that the said Supreme Executive Authorities draw on Congress for the amounts of all such advances, informing the Commander in Chief and the Board of War from time to time, of the names and regiments of the deserters so apprehended.

That it be recommended to the Legislatures of the respective States to make effectual provision for the apprehending deserters and having them secured and sent to their regiments, and for the appointment of proper persons in the several States to pay the rewards and mileage due for apprehending such deserters, and that effectual care be taken to prevent the detention of deserters in prisons, after their being apprehended on account of the maintainance or Prison fees.

That all Officers in the service of the United States, who may happen to be in any State with parties or detachments of troops proceeding to the Army wherein the regiments are to which the deserters belong, on the application of the Government of the State, take charge of all deserters put under their care and deliver them to their respective regiments; or if such Officers shall not receive such requisitions from the Government, or shall be at a distance from the seat thereof, that they apply to the nearest justice of the Peace for an order on the keeper of the prison in which deserters shall be confined. That if no such Officers be with parties in the State, the government thereof are requested to collect the deserters at proper places of Rendezvous, send them under proper guards of Militia and duly convey them when released from prison to their respective regiments; or in case their particular regiment shall be detached from the Army or at too great a

distance, that the deserter or deserters be delivered to the nearest Corps of the same State to which they belong, there to be punished or serve until an opportunity Offers of their joining their proper regiments or Corps.[1]

Ordered, That the report of the committee appointed to confer with the Commander in Chief, dated February 2, 1779, be referred to the said committee.

Congress proceeded in the consideration of other parts of the report, and some time being spent thereon,

Adjourned to 10 oClock to Morrow.

SATURDAY, MAY 29, 1779

Two letters, of 21, from P. Henry, governor of Virginia, were read, one enclosing a letter, of 5th, from T. Bee, lieutenant governor of South Carolina:

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

A letter, of this day, from W. Palfrey, paymaster general, was read;[2] Whereupon,

Congress taking into consideration a report of the Committee on the Treasury,

TREASURY OFFICE, *May 22nd, 1779*

The Committee on the Treasury having received the representation (N° 1) from the Board of War on the necessity of some alteration in the manner of keeping the accounts of the expenditures for the Army, in consequence of the establishment of a pay office for that Board, and having referred the same to the Pay Master General and Mr Johnston, Auditor for the Army, the said Pay Master General and Auditor make their report in the paper (N° 2) which being submitted to the Auditor General, he reported his opinion thereon in the paper (No 3), which are severally referred to.

And your Committee having considered the said representation and reports, and being satisfied of the necessity of reducing the accounts of the pay and money allowances to the army to one view,

[1] This report is in the *Papers of the Continental Congress*, No. 147, III, folio 361.

[2] The Henry letter is in the *Papers of the Continental Congress*, No. 71, I, folio 233; that of Bee, in No. 72, folio 494; that of Palfrey, in No. 165, folio 498.

without which stoppages cannot regularly be made or Justice done to the public, and being also of opinion that the books to be kept for this purpose may be so formed as to serve as auxiliary to the books of the Treasury, beg leave to submit the following resolutions:

Resolved, That the paymaster general shall keep his office in the place where Congress may from time to time hold their sessions:

That he be allowed to employ as many clerks as shall be judged necessary by the Board of Treasury.

That he be authorized to superintend the several deputy pay masters general, whose duty it shall be to make monthly returns to him and reasonable applications for money for the use of the army; to follow his directions in the mode of keeping their accounts, and all other matters relative to their office:

That all accounts of advances made by any of the states, or any officer or person whatsoever, for the pay of the continental army or for the recruiting service, shall be delivered to the deputy pay master general of the district where such advances may be made; ~~and so much of the said accounts as may be lost by neglecting to deliver them, as aforesaid, shall be disallowed by the public;~~ and the said deputies are hereby directed to keep a copy of such accounts in a book to be provided by them for that purpose, and to transmit the originals immediately to the pay master general:

That the pay master general shall keep regular books, and charge therein all monies that have been, or may be advanced to the deputies in the several departments: and when he receives their monthly returns shall give them credit for the same, charging the several regiments or persons to whom such advances have been made, and transmitting their accounts to the auditors of the army respectively:

That the auditors of the army in the several districts make monthly returns to the paymaster general of the accounts

settled in their office, particularly specifying the manner in which such accounts were balanced, and the date of the settlement:

That a deputy pay master general be appointed for the army, under the immediate command of his Excellency General Washington.

Resolved, That it be referred to the Committee on the Treasury to consider and report the allowances of pay to be made to the deputy pay master general at the main army, as well as to the deputy pay masters general in the other districts, and to the clerks of the several deputy pay masters general.

Resolved, That the assistant auditor general and secretary of the Board of Treasury be respectively allowed the same salary as is granted to a commissioner of the chamber of accounts.

In consequence of a nomination by the Board of Treasury, Congress proceeded to the election of an assistant auditor general, and a secretary to the Board of Treasury; and, the ballots being taken, Joseph Nourse was elected assistant auditor general; Robert Troup secretary to the Board of Treasury.[1]

Resolved, That so much of the report as recommends that "So much of the accounts of advances made by any of the states, or any officer or person whatsoever, for the pay of the continental army, or for the recruiting service, which are ordered to be delivered to the deputy pay master general of the district where such advances are made, as may be lost by neglecting to deliver them, as aforesaid, be disallowed by the public," be recommitted.

In consequence of a recommendation of the Committee on the Treasury,

[1] This report is in the *Papers of the Continental Congress*, No. 136, III, folio 333.

Resolved, That William Colladay, Matthew Strong, James Johnson, Samuel Nicholas, William Gray, John Graff, jr. Jacob Masoner, John Hazlewood and Daniel Wistar, be appointed signers of the continental bills of credit.[1]

A letter, of 27, from T. Pitcairn, captain of the 82 British regiment, a prisoner at Reading, was read:[2]

Ordered, That it be referred to the Board of War, and that they take order thereon.

A letter, of 18, from G. Clinton, governor of New York, was read,[3] enclosing copies of sundry papers, viz. No. 1. A petition of the committees of Cumberland county; 2. A letter of Colonel [Eleazer] Patterson of Cumberland county to Governor Clinton, May 5, 1779; 3. Governor Clinton's letter of May 14, in answer to the petition of the committees of Cumberland county; [4.] A printed pamphlet, entitled, A public defence of the right of the New Hampshire grants, &c. and sundry other papers relative to the dispute between the State of New York and the inhabitants of a certain district stiling themselves inhabitants of the State of Vermont.[4]

Ordered, That it be referred to the committee of the whole.

A motion was made by Mr. [Gouverneur] Morris, seconded by Mr. [William Henry] Drayton,

That whenever the House shall go into a committee of the whole, the chairman be chosen by the committee by ballot.

On the question to agree to this, the yeas and nays being required by Mr. [Gouverneur] Morris,

[1] This recommendation forms part of a report, dated May 27, in the *Papers of the Continental Congress*, No. 136, III, folio 343. The report also contained grants to Carleton, printed under May 31, and to Govett, printed under June 2, *post*.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 223.

[3] This letter is in the *Papers of the Continental Congress*, No. 67, II, folio 186.

[4] This letter is in the *Papers of the Continental Congress*, No. 41, I, folio 171. All the enclosures, except the printed pamphlet, are on the folios following.

New Hampshire,			*Pennsylvania,*		
Mr. Whipple,	no	no	Mr. Armstrong,	ay	
Massachusetts Bay,			Shippen,	ay	ay
Mr. S. Adams,	no		Muhlenberg,	ay	
Gerry,	ay		*Delaware,*		
Lovell,	ay	ay	Mr. Dickinson,	ay	ay
Holten,	ay		*Maryland,*		
Rhode Island,			Mr. Plater,	ay	
Mr. Ellery,	no		Carmichael,	ay	ay
Collins,	ay	div.	Jenifer,	ay	
Connecticut,			*Virginia,*		
Mr. Sherman,	no		Mr. Smith,	ay	
Huntington,	ay	div.	Fleming,	ay	*
New York,			*North Carolina,*		
Mr. Jay,	ay		Mr. Burke,	ay	*
Duane,	ay		*South Carolina,*		
Morris,	ay	ay	Mr. Drayton,	ay	ay
Floyd,	ay				
New Jersey,					
Mr. Scudder,	no	*			

So it was resolved in the affirmative.

Congress was resolved into a Committee of the Whole, and after some time, the President resumed the chair, and Mr. [George] Plater reported, that the committee have had under consideration the letter from Governor Clinton, of the 18th, together with the papers enclosed, and the resolutions moved by the delegates of New York and made some progress, but not having come to a conclusion, desire leave to sit again.

Resolved, That on Tuesday next, immediately after reading the journal and important dispatches, if any there be, Congress be resolved into a committee of the whole to consider farther the matters referred to them.

Adjourned to 10 oClock on Monday.

MONDAY, MAY 31, 1779

An appeal from the judgment of a court of admiralty for the State of Maryland, on the libel David Fosset, *v.* the sloop *Jane*, was lodged with the Secretary, and referred to the Committee on Appeals.

A letter, of 20th, from Brigadier S. H. Parsons, was read, accompanied with an appeal from a court of admiralty for the State of Connecticut, on a libel of William Smith Scudder:[1]

Ordered, That the appeal be referred to the Committee on Appeals, and the letter to a committee of three:

The members chosen, Mr. [William] Floyd, Mr. [John] Witherspoon, and Mr. [Samuel] Huntington.

A letter, of 28, from G. Morgan, agent for Indian affairs in the western district, with sundry papers enclosed, was read, desiring leave to resign his agency, and also requesting that a person may be appointed in his place to act as deputy commissary general of purchases in the western department; and that he, Colonel Morgan, may be directed to account for the money he has received.[2]

Ordered, That the same be referred to the Committee on Indian Affairs.

A letter, of 21, from Major General Heath, was read.

A letter, of 26, from the Board of War, was read, enclosing a letter, 30 April, from P. Dickinson, relative to the rent for the ensuing year for the house wherein the Minister Plenipotentiary of France resides:[3]

Ordered, To lie on the table.

A letter, of this day, from W. S. Livingston, was read:

Ordered, That it be referred to the Marine Committee.

The commissioners report,

[1] This letter is in the *Papers of the Continental Congress*, No. 161, folio 335.

[2] This letter is in the *Papers of the Continental Congress*, No. 166, folio 457.

[3] Heath's letter is in the *Papers of the Continental Congress*, No. 157, folio 265; that of Dickinson, in No. 147, III, folio 349.

That there is due to Jonathan Skinner, for attending, boarding, &c. twenty three wounded British prisoners in January and February, 1777, ninety six dollars and 72/90, to be paid to Mr. James Caldwell for his use.

That there is due to Cornelius Comegys, Jun. for services as clerk in the chamber of accounts, from the 1 to 25 instant, one hundred and fifty dollars:

Ordered, That the same be paid.

Ordered, That so much of the commissioners report as relates to Brigadier McIntosh's accounts be referred to the Board of Treasury.

The Auditor General reports, That in pursuance of the order of the Board of Treasury, of 23 April, last "to settle the accounts of the salaries and contingent expences of the commissioners of accounts for the middle department", he hath examined the accounts adduced by James Stevenson and Samuel Downe, Esq. Moses Emmerson, Esq. being since deceased, and finds,

That there is a ballance due to James Stevenson, on account of pay, from January 4, to the 22 instant, and contingent charges, including an allowance of his board, from 6th February last, when the price of board became extravagantly high, as per his account stated, twelve hundred and forty nine dollars and 84/90ths.

That there is a balance due to Samuel Downe, on account of pay, from 4 January last, to the 22d instant, including an allowance of his board, from the 6th February, when the price of board became extravagantly high, as per his account, three dollars and 27/90ths.[1]

Ordered, That the said accounts be paid.

The Committee on the Treasury brought in a report; Whereupon,

[1] This report, dated May 22, is in the *Papers of the Continental Congress*, No. 136, III, folio 337.

Ordered, That a warrant issue on the treasurer, in favour of Joseph Carleton, paymaster to the Board of War, for three hundred thousand dollars, to be by him transmitted to Benjamin Harrison, Esq. deputy paymaster general in Virginia, for the use of his department, for which he is to be accountable.[1]

That a warrant issue on the treasurer, in favour of Joseph Carleton, paymaster to the Board of War and Ordnance, for one hundred and fifty two dollars in specie to be by him transmitted to the commissioners of Indian affairs for the northern department, to replace a like sum paid to four guides procured for the troops on the expedition to Onondaga by General Schuyler, the said commissioners to be accountable.

That a warrant issue on the treasurer, in favour of the Marine Committee, on their application, for one hundred thousand dollars, for the use of the navy board of the middle department, the said Marine Committee to be accountable.

Ordered, That so much of the report as relates to Brigadier McIntosh be re-committed.

The committee, to whom was referred the letter of February last from Timothy Penny, brought in a report; Whereupon, Congress came to the following resolution:

Whereas Timothy Penny now an inhabitant of Massachusetts bay, but formerly of the island of Jamaica, where his estate lies, has represented the necessity he is under of sending a person to purchase a vessel in that island and load her with produce for the support of his numerous family; and whereas it appears, that the character and circumstances of the said T. Penny render such indulgence proper:

Resolved, That letters of safe conduct be granted Timothy Penny for any one vessel which may be purchased and loaded as above mentioned and sent to any port or place of the United States not in possession of the enemy, and for the

[1] See note under May 29, p. 667, *ante*.

person of Captain Joseph Deane who is to be employed by the said Penny on this business.[1]

Congress proceeded to the consideration of the report of the Committee on the Treasury relative to finance, and particularly that part wherein they recommend,

That million of dollars, or such a part thereof as shall be brought into the continental loan offices, on or before the 1st of next, be borrowed on the faith of the United States of America, &c.

On the question,

Resolved, That the first blank be filled with the word "twenty," and the second with the word "October."

A motion was made by Mr. [John] Witherspoon, seconded by Mr. [Gouverneur] Morris, to strike out the word "offices," in order to insert in lieu thereof the words "office where Congress shall sit;" and, on the question, shall the word offices stand? The yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Collins,	ay	
Connecticut,		
Mr. Sherman,	ay	ay
Huntington,	ay	
New York,		
Mr. Jay,	no	div.
Duane,	ay	
Morris,	no	
Floyd,	ay	
New Jersey,		
Mr. Witherspoon,	no	*
Pennsylvania,		
Mr. Armstrong,	ay	ay
Shippen,	no	
Atlee,	ay	
Muhlenberg,	no	
Wynkoop,	ay	
M'Lene,	ay	

[1] This report, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 19, V, folio 75. A copy of the passport issued is to be found in No. 177, folio 1.

Maryland,		
Mr. Plater,	no	ay
Carmichael,	ay	
Henry,	ay	
Jenifer,	ay	
Virginia,		
Mr. Smith,	ay	ay
Griffin,	ay	
Fleming,	ay	
North Carolina,		
Mr. Penn,	no	ay
Burke,	ay	
Sharpe,	ay	
South Carolina,		
Mr. Drayton,	ay	ay

So it was resolved in the affirmative.

Adjourned to 10 oClock to Morrow.

TUESDAY, JUNE 1, 1779

The Committee of Commerce laid before Congress a letter, of May 26, from Hooe and Harrisons, at Alexandria, which was read:

~~Ordered, That so much thereof as relates to tobacco, be referred to the said Committee of Commerce, and so much as relates to provisions, to the commissary general of purchases, and that they respectively take order thereon.~~

That so much thereof as relates to public arms in the hands of Stephen West be referred to the Board of War, and that they give orders to Stephen West to deliver the said arms to the order of the governor of Maryland.

A letter, of this day, from Brigadier McIntosh, was read:[1]

Ordered, That it be referred to the Committee of Indian Affairs.

According to the order of the day, Congress was resolved into a Committee of the Whole, and, after some time, the President resumed the chair; and Mr. [George] Plater reported, that the Committee of the Whole have taken into consideration the letter of the 18 May, from his Excellency Governor Clinton, the petition of the committees of Cumberland

[1] This letter is in the *Papers of the Continental Congress*, No. 162, folio 290.

county, the letter of Colonel Patterson to Governor Clinton, Governor Clinton's answer, &c. and have come to sundry resolutions thereon, which he was ordered to report:

The report being read, Congress thereupon came to the following resolutions:

Whereas divers applications have been made to Congress on the part of the State of New York and of the State of New Hampshire, relative to disturbances and animosities among inhabitants of a certain district known by the name of "the New Hampshire Grants," praying their interference for the quieting thereof; Congress having taken the same into consideration,

Resolved, That a committee be appointed to repair to the inhabitants of a certain district known by the name of New Hampshire Grants, and enquire into the reasons why they refuse to continue citizens of the respective states which heretofore exercised jurisdiction over the said district; for that as Congress are in duty bound on the one hand to preserve inviolate the rights of the several states, so on the other they will always be careful to provide that the justice due to the states does not interfere with the justice which may be due to individuals:

That the said committee confer with the said inhabitants, and that they take every prudent measure to promote an amicable settlement of all differences, and prevent divisions and animosities so prejudicial to the United States.

Resolved, That the further consideration of this subject be postponed until the said committee shall have made report.

Ordered, That they report specially and with all convenient speed.

Previous to passing the first resolution,

A motion was made by Mr. [John] Henry, seconded by Mr. [William] Carmichael, to strike out the word "several," and in lieu thereof insert "United;" and, on the question, shall

the word several stand? The yeas and nays being required by Mr. [John] Henry,

New Hampshire,			*Pennsylvania,*		
Mr. Whipple,	ay	ay	Mr. Armstrong,	no	
Massachusetts Bay,			Atlee,	no	
Mr. Gerry,	ay		Muhlenberg,	ay	ay
Lovell,	ay	ay	M'Lene,	ay	
Holten,	ay		Wynkoop,	ay	
Rhode Island,			*Maryland,*		
Mr. Ellery,	no	no	Mr. Plater,	no	
Connecticut,			Carmichael,	no	no
Mr. Sherman,	ay		Henry,	no	
Huntington,	ay	ay	Jenifer,	no	
Spencer,	ay		*Virginia,*		
New York,			Mr. Smith,	ay	
Mr. Jay,	ay		Griffin,	ay	ay
Duane,	ay		Fleming,	ay	
Morris,	ay	ay	*North Carolina,*		
Floyd,	ay		Mr. Penn,	ay	
New Jersey,			Burke,	ay	ay
Mr. Witherspoon,	ay		Sharpe,	ay	
Scudder,	no	ay	*South Carolina,*		
Fell,	ay		Mr. Drayton,	ay	ay

So it was resolved in the affirmative.

Resolved, That tomorrow be assigned for electing the committee.

Resolved, unanimously, That the President inform the governor of the State of New York, that a more early attention would have been paid to the pressing applications of that State, relating to the disturbances mentioned in his several letters, had it not been prevented by matters of the greatest importance; and that Congress will continue to pay equal attention to the rights of that State with those of other states in the union.

Ordered, That Mr. [George] Plater have leave of absence.

Ordered, That a warrant issue on the treasurer, in favour of the Committee for Indian Affairs, on their application, for five thousand three hundred and thirty three dollars and 30/90ths, to defray the expences of the Indian chiefs now in town, and for which the said committee is to be accountable.[1]

Adjourned to 10 oClock to Morrow.

WEDNESDAY, JUNE 2, 1779

Resolved, That the committee to repair to the inhabitants of the New Hampshire Grants, consist of five, any three of whom to be empowered to act:

The members chosen, Mr. [Oliver] Ellsworth, Mr. [Pierrepont] Edwards, Mr. [John] Witherspoon, Mr. [Samuel] Atlee, and Mr. [Jesse] Root.

A letter, of the 1st, signed "By order of the committee, and on behalf of the inhabitants of the city and liberties, William Henry, chairman," was read:[2]

Ordered, That it be referred to the committee appointed to enquire into the establishment and contingent expences of the respective boards and departments, &c.

A petition of Robert Harris was read:

Ordered, That the consideration thereof be postponed.

~~A petition of James Perry was read.~~

A letter, of May 19, from Captain Gustavus Cuningham, was read:

Ordered, That it be referred to the Marine Committee, and that they take order thereon.

A letter, of April 12, from John Todd, was read:

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

[1] The introductory and principal speeches of the Indian Committee to the "wise men representing the Delaware nation," in the writing of James Duane, are in the *Papers of the Continental Congress*, No. 166, folios 421 and 427. The leading speech was delivered May 26, 1779.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XI, folio 425.

A memorial from S. Bourne, in behalf of Elisha Doane, was read, praying an appeal from the judgment of a court of admiralty for the State of New Jersey:

Ordered, That it be referred to the Committee on Appeals.

A letter of May 16, from Messrs. [D.] Box and [J.] Johnston was read:[1]

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

The Committee on the Treasury brought in a report; Whereupon,

Resolved, That the Board of Treasury be empowered to engage such persons, and on such terms as they may think proper, to sign the continental bills of credit, reporting, from time to time, their names to Congress.

Resolved, That a member be added to the Committee on the Treasury in the room of Mr. [Edward] Langworthy: the member chosen, Mr. [Henry] Wynkoop.

Whereas William Govett Esquire during the time of his filling the office of Assistant Auditor General from the 19th July, 1776, to the 2nd November 1778 also acted as a Secretary to the Board of Treasury and in the necessary absence of the Auditor General discharged the duties of that department; and

Whereas in the latter capacity large sums of money were deposited in his hands to discharge the warrants of Congress in the absence of the Treasurer, in payment whereof he has been subject to the risque and loss arising from deficiencies; And, Whereas, no allowance has been made to him other than for his services as Assistant Auditor General as aforesaid,

Ordered, That a warrant issue on the treasurer, in favour of William Govett, for two thousand eight hundred dollars, in full for his services as secretary to the Board of Treasury, from 19 July, 1776, to 2d November, 1778, and for his risque and trouble in receiving and paying large sums of money entrusted to him in the absence of the treasurer to discharge the warrants of Congress.[2]

[1] This letter is in the *Papers of the Continental Congress*, No. 78, III, folio 317.

[2] See note under May 29, p. 667, *ante.*

That a warrant issue on the treasurer, in favour of David C. Claypoole, printer to Congress, for six thousand dollars on account.[1]

On motion of Mr. [Gouverneur] Morris, seconded by Mr. [Elbridge] Gerry,

Resolved, That a warrant issue on the treasurer, in favour of the committee appointed to confer with the inhabitants of the New Hampshire grants, for six thousand dollars, to defray their expences, they to be accountable.

On motion of the Marine Committee,

Resolved, That two members be added to the Marine Committee, one in the room of Mr. [Oliver] Ellsworth, of Connecticut, and the other in the room of Mr. R[ichard] H[enry] Lee, of Virginia, who are absent:

The members chosen, Mr. [Samuel] Huntington, for Connecticut; Mr. [William] Fleming for Virginia.

According to order, Congress proceeded to the consideration of the report of the Committee on the Treasury relative to finance, and some time being spent thereon,

Adjourned to 10 oClock to Morrow.

THURSDAY, JUNE 3, 1779

Mr. [Francis] Lewis, a delegate for New York, attended and took his seat in Congress.

A letter, of this day, from Robert Harris, was read, praying Congress to take into consideration his petition for leave under a safe conduct, or passport, to remove his property from the province of Nova Scotia into some port or place within these states not in the power of the enemy; Whereupon,

Ordered, That the letter and petition be referred to the Marine Committee, and that a safe conduct or passport be

[1] This report, dated June 2, is in the *Papers of the Continental Congress*, No. 136, III, folio 355.

granted to the petitioner upon his complying with such orders and directions as the Marine Committee shall give on the subject.

A petition of Thomas Armor was read:

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

The committee to whom was referred the letter from Brigadier General Thompson and Colonel Webb, in behalf of themselves and sundry others, representing, that General Clinton had consented to their retiring into the country on parole, until such time as they shall be called for; and that he required in return that they should obtain permission for Generals Philips and Reidesel, with their aids de camp, and Captain Waterson of the 21st regiment, to go into New York on the same condition; and praying that Congress will be pleased to comply with the said proposal for their parole exchange, brought in a report; Whereupon,

Resolved, That the Commander in Chief be authorized to make such and so many parole exchanges as he shall, from time to time, judge beneficial or expedient.[1]

The committee to whom was referred the memorial of M. de Francey, brought in a report, which was read:

Ordered, That Saturday next be assigned for taking the same into consideration.

Ordered, That the original invoices brought in with the report be delivered to M. de Francey, being vouchers to support the claims of M. de Beaumarchais against the United States.

According to order, Congress proceeded in the consideration of the report of the committee on the letters from A. Lee, Esq. and communications of the Minister Plenipotentiary of France, &c, and some time being spent thereon,

[1] This report, in the writing of Joseph Spencer, is in the *Papers of the Continental Congress*, No. 19, VI, folio 27.

Congress resumed the consideration of the report on the communications from the Minister of France; and a motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Roger] Sherman, in the words following, to wit:

To obviate any disputes which may arise respecting the fisheries, it shall be stipulated in the treaty of peace, that the citizens of these states and the subjects of the king of Great Britain be allowed the free and peaceable use and exercise of their common right of fishing on the banks of Newfoundland, and other banks and coasts of North America, as fully and freely as they did or might have done during their political connexion.

Whereupon it was moved by Mr. [John] Witherspoon, seconded by Mr. [Henry] Laurens, to strike out the words, "and the subjects of the king of Great Britain."

Question, Shall those words stand,

Passed in the negative.

A motion was made by Mr. [Roger] Sherman, seconded by Mr. [Joseph] Spencer, to strike out the words, "as "fully and freely as they did or might have done during "their political connexion."

Question, Shall these words stand,

Passed in the negative.

It was then moved by Mr. [John] Witherspoon, seconded by Mr. [Henry] Laurens, to strike out the words "and coasts."

And on the question, Shall those words stand, the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,			*Rhode Island,*		
Mr. Whipple,	ay	ay	Mr. Ellery,	ay	ay
Massachusetts Bay,			Collins,	ay	
Mr. S. Adams,	ay	ay	*Connecticut,*		
Gerry,	ay		Mr. Sherman,	ay	no
Lovell,	ay		Huntington,	no	
Holten,	ay		Spencer,	no	

New York,			
Mr.	Jay,	no	no
	Duane,	no	
	Morris,	no	
	Floyd,	no	
	Lewis,	no	
New Jersey,			
Mr.	Witherspoon,	no	no
	Scudder,	no	
	Fell,	no	
Pennsylvania,			
Mr.	Armstrong,	ay	no
	Shippen,	ay	
	Atlee,	no	
	Searle,	no	
	Muhlenberg,	no	
	M'Lene,	ay	
	Wynkoop,	no	
Maryland,			
Mr.	Plater,	no	no
	Carmichael,	no	
	Henry,	no	
	Jenifer,	no	
Virginia,			
Mr.	Smith,	ay	no
	Griffin,	no	
	Fleming,	no	
North Carolina,			
Mr.	Penn,	no	no
	Burke,	no	
	Sharpe,	no	
South Carolina,			
Mr.	Laurens,	no	no
	Drayton,	no	

So it passed in the negative, and the words were struck out.

A motion was made by Mr. [William] Ellery, seconded by Mr. [John] Witherspoon, after "other banks," to insert, "and in the seas;" which being amended to read "and seas"—

On the question, Shall the words "and seas" be inserted, the yeas and nays being required by Mr. [William] Ellery,

New Hampshire,			
Mr.	Whipple,	no	no
Massachusetts Bay,			
Mr.	S. Adams,	no	no
	Gerry,	ay	
	Lovell,	no	
	Holten,	no	
Rhode Island,			
Mr.	Ellery,	ay	div.
	Collins,	no	
Connecticut,			
Mr.	Sherman,	ay	ay
	Huntington,	ay	
	Spencer,	no	
New York,			
Mr.	Jay,	no	no
	Duane,	no	
	Morris,	ay	
	Floyd,	no	
	Lewis,	no	

New Jersey,		
Mr. Witherspoon,	ay	ay
Scudder,	ay	
Pennsylvania,		
Mr. Armstrong,	no	no
Shippen,	no	
Searle,	no	
Muhlenberg,	no	
M'Lene,	no	
Wynkoop,	no	
Delaware,		
Mr. Dickinson,	ay	ay
Maryland,		
Mr. Plater,	no	no
Carmichael,	ay	
Henry,	no	
Jenifer,	no	
Virginia,		
Mr. Smith,	no	no
Griffin,	no	
Fleming,	no	
North Carolina,		
Mr. Penn,	no	no
Burke,	no	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	

So it passed in the negative.

The motion being amended to read, "To obviate "any disputes which may arise respecting the fisheries, "it shall be stipulated in the treaty of peace, that the "citizens of these states shall be allowed the free and "peaceable use and exercise of their common right of "fishing on the banks of Newfoundland and other banks "of North America."

When the house was ready for the question, the previous question was moved by Mr. [John] Witherspoon, seconded by Mr. [Nathaniel] Scudder.

And on the question to agree to the previous question, the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	no
Gerry,	no	
Lovell,	no	
Holten,	no	
Rhode Island,		
Mr. Ellery,	no	no
Collins,	no	
Connecticut,		
Mr. Sherman,	no	no
Huntington,	no	
Spencer,	no	

New York,			*Delaware,*		
Mr. Jay,	ay	ay	Mr. Dickinson,	ay	ay
Duane,	ay		*Maryland,*		
Morris,	ay		Mr. Plater,	ay	ay
Floyd,	ay		Carmichael,	ay	
Lewis,	no		Henry,	ay	
New Jersey,			Jenifer,	ay	
Mr. Witherspoon,	ay	ay	*Virginia,*		
Scudder,	ay		Mr. Smith,	ay	ay
Pennsylvania,			Griffin,	ay	
Mr. Armstong,	no	no	Fleming,	ay	
Shippen,	no		*North Carolina,*		
Atlee,	ay		Mr. Penn,	ay	ay
Searle,	no		Burke,	ay	
Muhlenberg,	ay		Sharpe,	ay	
M'Lene,	no		*South Carolina,*		
Wynkoop,	ay		Mr. Laurens,	no	div.
			Drayton,	ay	

So it was resolved in the affirmative; and the main question was set aside.[1]

Adjourned to 10 oClock to Morrow.

FRIDAY, JUNE 4, 1779

A letter, of 2, from Mr. Garanger was read, enclosing sundry papers:

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

A letter, of this day, from Brigadier L. McIntosh, was read:[2]

Whereupon, Congress taking into consideration a report of the Committee on the Treasury,

Ordered, That a warrant issue on the treasurer in favour of Brigadier General L. McIntosh, for three thousand dollars, for which he is to be accountable; deducting thereout the

[1] These proceedings were entered only in the manuscript Secret Journal, Foreign Affairs.

[2] Garanger's letter is in the *Papers of the Continental Congress*, No. 78, X, folio 145; that of McIntosh, in No. 162, folio 293.

necessary expences of his journey to join the detachment of the army serving in South Carolina and Georgia.[1]

In passing the latter part, for deducting the expences of his journey, the yeas and nays being required by Mr. [Nathaniel] Scudder,

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Lovell,	ay	
Holten,	no	
Rhode Island,		
Mr. Collins,	ay	ay
Connecticut,		
Mr. Sherman,	ay	ay
Huntington,	ay	
Spencer,	ay	
New York,		
Mr. Jay,	no	no
Floyd,	ay	
Lewis,	no	
New Jersey,		
Mr. Scudder,	no	*
Pennsylvania,		
Mr. Armstrong,	ay	ay
Searle,	ay	
McLene,	ay	
Maryland,		
Mr. Plater,	no	ay
Paca,	ay	
Henry,	ay	
Jenifer,	ay	
Virginia,		
Mr. Smith,	no	ay
Griffin,	ay	
Fleming,	ay	
North Carolina,		
Mr. Penn,	ay	div.
Sharpe,	no	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	

So it was resolved in the affirmative.

A representation and petition from sundry officers, late of Colonel Wigglesworth and Colonel Bigelow's regiments was read:[2]

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

[1] This report, dated June 1, is in the *Papers of the Continental Congress*, No. 136, III, folio 351. The issue of bills of credit formed part of the same report.

[2] This paper, dated April 16, is in the *Papers of the Continental Congress*, No. 43, folio 255.

A letter, of 3d, from John Baynton, deputy pay master general in the western district, was read, requesting leave to resign his office:[1]

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

A memorial from Captain James Quarles was read:

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

The commissary general having transmitted to Congress a letter from the deputy commissary general of issues at Providence,[2] and an application from Major General Sullivan for stores:

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

The members chosen, Mr. [John] Armstrong, Mr. [Nathaniel] Scudder, and Mr. S[amuel] Adams.

The commissioners of accounts report,

That they have examined the accounts of David Deshler, one of the commissioners appointed by the executive council of the State of Pensylvania to purchase provisions for the use of the army of the United States, and find that he has purchased wheat, flour, cattle, &c. which, with a commission of 2 per cent for his trouble, amounts to 26,517 dollars and 39/90; that he has paid to John Arndt, a commissioner appointed with him and who is to be accountable, 928 36/90 dollars; that they find he has received from the executive council of the State of Pensylvania, the sum of 18,000 dollars, which leaves a ballance due to him and to be paid to his order, nine thousand four hundred and forty six dollars and 75/90ths.

That they have examined the accounts of David Jones, surgeon to the 4th Pensylvania regiment and find that there is due to him for his pay from the 1st of December, 1777, to the 1st of December, 1778, for the ballance of his rations from 11

[1] This letter is in the *Papers of the Continental Congress*, No. 78, III, folio 321.

[2] Solomon Southwick. This paper is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 35.

July, 1777, to 31 May, 1778, and for his subsistance, from 1 June to 30th November, 1778, the sum of one thousand one hundred and seventy eight dollars and 60/90ths.[1]

Ordered, That the said accounts be paid.

The Committee on the Treasury, report,

"That the Board having considered a letter from Ebenezer Hancock, deputy pay master general in the eastern department, dated May 20, requesting that a sum of money be remitted for the use of the military chest at Boston: that 1,200,000 dollars having been drawn out of the treasury for the use of the detachment of the army to the eastward, and ordered into the hands of Benjamin Stelle, an assistant to Mr. Hancock, in addition to 100,000 dollars which he is to receive of Nathaniel Appleton, Esq. commissioner of the continental loan office in the State of Massachusetts Bay; they are of opinion it is unnecessary to keep two distinct military chests for the service of one detachment;" Whereupon,

Resolved, That E. Hancock repair to the detachment of the army at Providence, and take the charge of the military chest there, and that the sums requisite for the service of Boston be supplied out of the said chest.[2]

Ordered, That a warrant issue on the treasurer, in favour of Joseph Carleton, paymaster to the Board of War, on their application, for one hundred and fifty thousand dollars, for the supply of contingent demands on their office; the said paymaster to be accountable.

That a warrant issue on the treasurer, in favour of Major General Greene, quarter master general, on the application of Charles Pettit, assistant quarter master general, for five millions of dollars, for the use of his department, for which the said quartermaster general is to be accountable.

[1] This report, dated May 31, is in the *Papers of the Continental Congress*, No. 136, III, folio 349.

[2] This report, dated June 1, is in the *Papers of the Continental Congress*, No. 136, III, folio 353.

The Committee having considered a letter of the 28th current from the Board of War, agree to report:

That the Commissary General of Prisoners be authorized from time to time to pay to the order of Officers and Soldiers in Captivity any sums not exceeding the amount of their pay and subsistence, in order to enable them to assist their families; and that he make monthly returns to the Pay Master General of their accounts respectively.

June 7 agrd to be published

The Board having considered a letter from Major Scull, of the 11th instant, referred to them by Congress, beg leave to report:

That the Secretary of the Board of War and Ordnance be hereafter allowed the same salary as is granted to a Commissioner of the Chamber of accounts.

Agreed 7 June

The Committee beg leave further to report that the Pay of the Deputy Pay Master General to the army under the immediate command of General Washington be three hundred dollars p^{r} month and one ration p^{r} day, and That John Peirce Esquire be nominated to that office—

postnd to 1st Octo

Apptd June 7

That the pay of the Deputy Pay Masters General in the other Departments be two hundred and fifty dollars p^{r} month and one ration p^{r} day

postnd to 1st Octo

That Thomas Reed Esquire be nominated to the office of Deputy Pay Master General at Albany

Apptd June 7, 1779

That the Clerks to the several Deputy Pay Masters General be allowed one hundred dollars p^{r} month and one ration p^{r} day, and that when they are detached to different posts on duty they shall be allowed for travelling expences.[1]

Resolved, That ten millions and one hundred dollars in bills of credit of the United States be emitted under the direction of the Board of Treasury and on the faith of the United States.

That the bills shall, excepting the numbers, be of the same tenor and date as the emissions directed on the 5 May last, and be numbered from the last number in each denomination progressively, and consist of the following denominations, viz.

[1] This report, dated May 31, is in the *Papers of the Continental Congress*, No. 136, III, folio, 345.

45,455 bills of 60 dollars each,		2, 727, 300
45,455 do.	50	2, 272, 750
45,455 do.	40	1, 818, 200
45,455 do.	30	1, 363, 650
45,455 do.	20	909, 100
45,455 do.	8	363, 640
45,455 do.	7	318, 185
45,455 do.	5	227, 275
		$10, 000, 100[1]

A motion being made by Mr. S[amuel] Adams, seconded by Mr. [William] Carmichael, to instruct the Board of Treasury to employ additional commissioners for settling the accounts of the quarter master, commissary and cloathier general:

Ordered, That the same be referred to the Board of Treasury.

According to the order of the day, Congress proceeded to consider the report of the Committee on the Treasury relative to finance, and some time being spent thereon,

Adjourned to 10 oClock to Morrow.

SATURDAY, JUNE 5, 1779

A letter, of April 21, 1779, from John Allan, agent for Indian affairs, with sundry papers enclosed, was read:

Ordered, That it be referred to the Committee on Indian Affairs.

A letter of this day, from W. Palfrey, pay master general, was read;[2] Whereupon,

Resolved, That the report of the Committee on the Treasury of March 17th, 1779, be re-considered.

The said report being read, Congress came to the following resolution:

[1] See note on p. 684, *ante*.

[2] Allan's letter is in the *Papers of the Continental Congress*, No. 78, I, folio 225; that of Palfrey is in No. 165, folio 502.

Whereas, by a receipt of William Palfrey, pay master general, dated the 1st July, 1777, and other evidence, it appears that Elias Boudinot supplied him with 2000 dollars in bills of credit intended to have been placed in the continental funds; that in consequence of a refusal of Joseph Borden, Esq. commissioner of the continental loan office in New Jersey, to issue certificates in part of a warrant drawn on him by the President of Congress in favour of William Palfrey, Esq. the matter has been suspended:

Resolved, That a warrant issue on the said Joseph Borden, Esq. in favour of the said Elias Boudinot, for 2000 dollars, in loan office certificates, bearing date the 1st July, 1777, in full for a like sum delivered by him to William Palfrey, Esq. pay master general, who is to be accountable.

Congress proceeded to consider another report from the Committee on the Treasury; Whereupon,

Resolved, That the consideration of the allowance to be made to William Palfrey, Esq. paymaster general of the army, for his past and future services, be postponed.[1]

Ordered, That a warrant issue on the treasurer, in favour of the said William Palfrey, for three thousand dollars, he to be accountable.

A letter, of this day, from John Morgan was read;[2] Whereupon,

Resolved, That Saturday next be assigned for considering the report of the committee on the memorial of Doctor J. Morgan.

A letter from Augustin Loizeau was read, inclosing sundry certificates:

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

[1] This report, endorsed June 2, is in the *Papers of the Continental Congress*, No. 136, III, folio 357.

[2] This letter is in the *Papers of the Continental Congress*, No. 63, folio 125.

A letter, of May 24, 1779, from Captain Stoddard, was read,[1] requesting that Congress would please to order that a bill or draught should be drawn on the commissioner, or other proper person in France, to enable him to receive his wages during his furlough, which he has obtained for the recovery of his health.

On the question to agree to his request,

Passed in the negative.

According to the order of the day, Congress proceeded to the consideration of the report of the committee on the memorial of Mr. de Francey, which is as follows:

"The committee to whom Mr. de Francey's memorial was committed, report,

"That in obedience to the direction of Congress, they have conferred with Mr. de Francey:

"That he has delivered to the committee divers invoices of cargoes shipped in France by Mr. de Beaumarchais, viz. cargo by the *Amphitrite*, and interest to 31 March, 1779, 782,827 livres; *Seine*, 687,515; *Mercure*, 700,594; *Amelie*, 230,174; *Therese*, 985,317; *Mere Bobie*, 66,750; *Marie Catharine*, 148,075; *Flamand*, 545,416.—Also, a general account of disbursements by Mons. Carabasse, at Cape François, for purchasing Bermudian boats to take the cargoes of the *Amelie* and *Therese*, 115,000; demurrage paid Mr. Monthieu, on the *Therese*, *Flamand*, and *Amphitrite*, agreeable to contract with Mr. Beaumarchais, 141,400, and of sums advanced to Silas Deane, esq. and paid by his order, together with interest, 144,525, making 4,547,593 livres: equal to 198,957 [pounds] sterling, or thereabouts; on which no commission is yet charged, nor premium of insurance, if insurance was made. The articles of commission and insurance, as well as Mr. Beaumarchais's account in general, is committed for adjustment to the commissioners of these states at the court of Versailles.

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XX, folio 415.

"In abatement of the abovementioned sum, Mr. de Francey admits about 300,000 livres, or 13,125£. sterling, and 115½ hogsheads of tobacco, exported in the *Fier Roderique*, the net proceeds of which remain unsettled. Mr. Francey also supposes there are further charges to be brought to the debit of the general account, and intimates that there may be some few errors in the invoices, but requests that the Commercial Committee may be directed to enter on their books the amount of the invoices as they now stand, remarking that errors may be hereafter redressed. Mr. Francey, in a letter to the committee, of the 24 May, 1779, writes—

Mr. de Beaumarchais's claims against Congress amount to about £200,000 sterling, not including the commission and other charges. As these are to be determined between the American commissioners and Mr. Beaumarchais, in France, it is not in my power to fix at this moment the exact amount of the debt, but I am very certain it will exceed £200,000: in order to discharge a part of it directly, I would propose to have bills drawn by Congress upon the plenipotentiary minister of the United States at Paris, to the order of Mr. Beaumarchais, payable at the end of three years, bearing an interest of six per cent. annually for the amount of one hundred thousand pounds sterling, in 50 bills of £2000 each. In the mean while I should wish that produce of this country should be purchased to load without delay some vessels which I expect daily, and by which I will receive all the papers that may be necessary to settle finally this transaction.

"From the several accounts abovementioned, all which the committee beg leave to lay before Congress, it appears that Mr. Beaumarchais has a just claim on these states for a large sum of money, but it is not in their power, with any degree of exactness, to ascertain the amount.

"They beg leave to recommend to Congress,

"1. To give the necessary directions for discovering what articles of merchandise, warlike stores, and other articles, have been received in these states from Mr. Beaumarchais, and Mr. Carabasse, and in what manner the Bermudian boats,

said to have been purchased by Mr. Carabasse, have been disposed of:

"Also that Congress will be pleased to direct the Committee for Foreign Affairs to write immediately to the commissioners at the Court of France, and desire them to transmit an account of their proceedings in Mr. Beaumarchais's accounts, pursuant to the order of Congress of the 13th day of April, 1778:

"That in the meanwhile the Committee on the Treasury be directed to prepare proper bills of exchange on the minister plenipotentiary at the court of France, payable to Mr. Beaumarchais's order at the end of three years from the date, with interest to be paid annually at six per cent; the bills to be for different sums, from one thousand to four thousand pounds sterling, or the value thereof in livres, and six bills to each set, and to amount in the whole to one hundred thousand louis d'or or 2,400,000 livres of France:

"That the Committee of Commerce be directed to deliver to Mr. de Francey all the merchantable tobacco belonging to these states, and now in store in Virginia, Maryland, and North Carolina, and to consign the ship *Chase* and her cargo of tobacco to Mr. de Beaumarchais."

On the question to agree to these several recommendations and directions, reported by the committee, resolved in the affirmative.

The committee having farther reported,

That the said Committee of Commerce be also directed immediately to purchase two thousand hogsheads of tobacco, and order it to be laid up in warehouses in order to be ready for the ships expected by Mr. de Francey.

On the question to agree to this, the yeas and nays being required by Mr. [Nathaniel] Scudder,

New Hampshire,		
Mr. Whipple,	no	no
Massachusetts Bay,		
Mr. S. Adams,	no	*
Holten,	no	
Rhode Island,		
Mr. Ellery,	no	no
Collins,	no	
Connecticut,		
Mr. Sherman,	no	
Huntington,	no	no
Spencer,	no	
New York,		
Mr. Jay,	no	
Duane,	no	no
Floyd,	no	
Lewis,	no	
New Jersey,		
Mr. Scudder,	no	no
Fell,	no	
Pennsylvania,		
Mr. Armstrong,	no	
Shippen,	no	no
Searle,	no	
McLene,	no	
Delaware,		
Mr. Dickinson,	ay	ay
Maryland,		
Mr. Plater,	ay	
Paca,	no	
Carmichael,	ay	ay
Henry,	no	
Jenifer,	ay	
Virginia,		
Mr. Smith,	ay	
Griffin,	ay	ay
Fleming,	ay	
North Carolina,		
Mr. Penn,	ay	
Burke,	no	no
Sharpe,	no	
South Carolina,		
Mr. Laurens,	no	div.
Drayton,	ay	

So it passed in the negative.

A letter of this day from the Board of War, was read:

Ordered, That it be referred to the Committee of Commerce, and that they be directed to take order thereon immediately.

Another letter of this day, from the Board of War, was read; Whereupon,

Resolved, That one more blank commission be sent to the commissioners of Indian affairs in the northern department, to be filled up with the name of such faithful chief as they shall deem worthy of that honor.[1]

[1] This letter is in the *Papers of the Continental Congress*, No. 147, III, folio 391.

A letter, of 3d, from General Washington, enclosing an extract of a letter from Major General Gates of May 25th, and sundry other papers, was read: Whereupon,

Ordered, That the extract from Major General Gates be referred to the Board of Treasury.

Another letter, of the 3d, from General Washington, was read, enclosing extracts from the proceedings of a board of general officers on the claim of Major Prowell, of the Pensylvania line, and sundry papers relative to Colonel Dubois's claim of rank; Whereupon,[1]

Resolved, That Colonel Dubois rank in the line of the army of the United States of America, after Colonel Van Cortlandt and Colonel Gansevoort.

Resolved, That the commission of major, granted to Captain Prowell in the 11th Pensylvania regiment, be vacated, and that the rank of the officers continue the same as they were at the time of passing the resolution for incorporating Patton's and Hartley's regiments and the independent companies, and rise according to the principle or rule established in the army.[2]

Adjourned to 10 oClock on Monday.

MONDAY, JUNE 7, 1779

A letter, of May 27th., from P. Henry, governor of Virginia, was read:

Ordered, That it be referred to the Committee of Intelligence.

A letter, of 4, from Amos Wilkinson, captain of artillery, was read, requesting leave to resign his commission:

[1] These letters of Washington are in the *Papers of the Continental Congress;* the first is in No. 152, VII, folio 385. It is printed in *Writings of Washington* (Ford), VII, 463. The second letter is in No. 152, VII, folio 397.

[2] In the *Papers of the Continental Congress*, No. 147, III, folio 381, is a letter from the Board of War enclosing an extract of a letter of Major General Knox, on the taking of Verplank's Point, endorsed as read this day.

Resolved, That his resignation be accepted.[1]

A letter, of this day, from S. Deane, was read:

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

A letter, of 5, from J. Wadsworth, commissary general of purchases, was read;[2] Whereupon,

Resolved unanimously, That Congress have full confidence in the integrity and abilities of the quarter master general and commissary general; and although there is reason to believe that abuses have been committed by inferior officers in their respective departments, yet Congress are persuaded that many of them deserve well of their country; and that measures will speedily be taken to distinguish such of them as have been faithful from such as have been otherwise, and thereby cause justice to be done to all:

That Colonel J. Wadsworth be informed that at so critical a season as the opening of a campaign, sudden changes in the appointment of principal officers in his department would be inexpedient and dangerous, and therefore that they cannot accept his resignation; and farther, that Congress expect his deputies and agents will not expose themselves to the resentment of their country, or embarrass the service, by quitting it at so critical a period, but, by exerting their utmost efforts in their several places, manifest their ability and public spirit.

A petition of Archibald McConnel, and a petition from Samuel Hart, and a letter from Brigadier Smallwood, were read, respecting bills of credit of the emissions of May 20, 1777, and April 11, 1778, which by means of unavoidable accidents could not be brought in before the 1st June, 1779; Whereupon,

A motion was made by Mr. [William] Sharpe, seconded by Mr. [Thomas] Burke, for receiving bills under such circumstances upon certain conditions therein mentioned.

[1] Henry's letter is in the *Papers of the Continental Congress*, No. 71, II, folio 223; that of Wilkinson, in No. 78, XXIV, folio 33.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 41.

Ordered, That the said petitions, letter and motion be referred to the Board of Treasury.

The Committee on the Treasury having nominated John Peirce to the office of deputy pay master general to the army under the immediate command of General Washington, Congress proceeded to an election; and, the ballots being taken, Mr. John Peirce was chosen.

The Marine Committee, to whom was referred a resolution of the council of Massachusetts Bay, dated 23 February, 1779, respecting the powers of foreign consuls, report,

"That as by the 31 article of the treaty of commerce, it is provided, that the two contracting parties grant mutually 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, it seems necessary that persons be appointed by Congress to adjust and settle with the Minister Plenipotentiary of France the powers and privileges of consuls in the ports of either nation;" Whereupon,

Resolved, That a committee of three be appointed for the purpose aforesaid:

The members chosen, Mr. [Henry] Laurens, Mr. S[amuel] Adams and Mr. [John] Dickinson.

On motion made by Mr. [John] Dickinson, seconded by Mr. S[amuel] Adams,

Resolved, That every despatch received by the House, and on which no other order shall be made, shall be of course considered as ordered to lie on the table for farther consideration:

That on every day upon which it has been resolved to proceed on the order of the day after reading the journals and despatches, the House will proceed accordingly; and no other order than is above mentioned shall be made on any

despatch, unless it be by unanimous consent: that this rule continue in force until Congress shall have gone through the reports of the board of treasury relative to finance, and the report of the committee of thirteen on foreign affairs, and of that on the communications from the minister plenipotentiary of France, and no longer.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. J[ohn] Fell, one of the delegates of the State of New Jersey, on his application, for one thousand dollars, for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. G[ouverneur] Morris, one of the delegates of New York, on his application, for two thousand dollars, for which the said State is to be accountable.[1]

Whereas it has been judged proper to abolish the office of commissioners of accounts for the middle department, and therefore the services of the said commissioners are not further required,

Ordered, That the sum of one thousand dollars be paid to James Stevenson and to Samuel Downes, respectively, two of the said commissioners as a full compensation for their claims.

The Board of Treasury having reported,

That they have considered the memorial of Major James Quarles, of the 2d Virginia State regiment, dated at Philadelphia, June 4, 1779, referred to them, and finding the three dollars per day allowed by a resolution of 4 September last to officers ordered on business not incidental to their office, were not intended as an allowance for their whole expences,

[1] This report, dated June 3, is in the *Papers of the Continental Congress*, No. 136, III, folio 361.

but as an addition to their pay and subsistence whilst on such business, and that all the accounts of the army since the date of that resolution have been settled agreeable thereto, they are of opinion, that the prayer of the said petition cannot be granted:[1]

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

Resolved, That the commissary general of prisoners be authorized, from time to time, to pay to the order of officers and soldiers in captivity, any sums not exceeding the amount of their pay and subsistence, in order to enable them to assist their families; and that he make monthly returns to the pay master general of their accounts respectively.

Resolved, That the secretary of the Board of War and Ordnance be hereafter allowed the same salary as is granted to a commissioner of the chamber of accounts.

Resolved, That the report of the Board of Treasury relative to the pay of deputy paymasters general be postponed till the first of October next.

The Committee on the Treasury having nominated Thomas Reed to the office of deputy paymaster general at Albany, Congress proceeded to the election and the ballots being taken,

Mr. Thomas Reed was chosen.

TREASURY OFFICE, *June 4th 1779*

The Committee on the Treasury, to whom was referred the report of a Committee of Congress on the petition of John Donnell relative to a quantity of clothing delivered to Captains Beale, Dickinson and Avery by order of General Varnum, the 7th day of November, 1777, for the use of the Continental Army, having referred the said Report and petition to James Mease, Clothier General, and received his remarks thereon, and duly considered the said petition, report and remarks, beg leave to submit the following resolution:

[1] This report, dated June 4, P. M., is in the *Papers of the Continental Congress*, No. 136, III, folio 365.

Ordered, That a warrant issue on the treasurer, in favour of John Donnell, for one thousand four hundred and thirty four dollars and 76/90ths, in full for articles of cloathing furnished by him for the troops of these United States under the command of Brigadier General Varnum, on the 7th day of November, 1777, and delivered to the Captains Beall, Dickinson, and Avery; and that Mr. Mease charge the same to the accounts of the said officers.[1]

Resolved, That the report of the committee on the letter of 10 September, 1778, from Major General Heath, respecting General Philip's objections to the accounts against the convention troops; and also the report of the committee on the letters from General Washington and Major General Schuyler, relative to damage done by the convention troops, be referred to the Board of Treasury, and that they take order thereon.

An appeal from the judgment of a court of admiralty for the State of Connecticut, on the libel Edward Conklin, &c. *v.* the sloop *Eagle,* was lodged with the Secretary and referred to the Committee on Appeals.

On motion of the Committee of Commerce,

Ordered, That the Committee of Commerce be empowered and directed to draw bills of exchange at ninety days sight on the Minister Plenipotentiary of the United States at the Court of France, for any sum not exceeding fifteen thousand Louis d'ors, to be negotiated in the purchase of military stores in case the measures taken by Mr. Gérard to obtain them from Martinique should not succeed, but not otherwise.

On the question to agree to this, the yeas and nays being required by Mr. [Meriwether] Smith:

[1] This report is in the *Papers of the Continental Congress,* No. 136, III, folio 367.

New Hampshire,			*Delaware,*		
Mr. Whipple,	ay	ay	Mr. Dickinson,	ay	ay
Massachusetts Bay,			*Maryland,*		
Mr. S. Adams,	ay		Mr. Paca,	ay	
Gerry,	ay	ay	Carmichael,	ay	ay
Lovell,	ay		Henry,	ay	
Holten,	ay		Jenifer,	ay	
Rhode Island,			*Virginia,*		
Mr. Ellery,	ay	ay	Mr. Smith,	no	
Connecticut,			Griffin,	ay	ay
Mr. Huntington,	ay		Fleming,	ay	
Spencer,	ay	ay	*North Carolina,*		
New York,			Mr. Penn,	ay	
Mr. Jay,	ay		Burke,	ay	ay
Morris,	ay	ay	Sharpe,	ay	
Floyd,	ay		*South Carolina,*		
New Jersey,			Mr. Laurens,	no	no
Mr. Fell,	ay	ay			
Pennsylvania,					
Mr. Searle,	ay				
McLene,	ay	ay			

So it was resolved in the affirmative.[1]

Adjourned to 10 oClock to Morrow.

TUESDAY, JUNE 8, 1779

According to the order of the day, Congress proceeded to the consideration of the report of the committee of thirteen on foreign affairs, and on the question, shall Mr. R. Izard be recalled?

The yeas and nays being required by Mr. [Meriwether] Smith,

[1] This motion and vote were entered only in the Manuscript Secret Journal.

New Hampshire,		
Mr. Whipple,	no	no
Massachusetts Bay,		
Mr. S. Adams,	no	no
Gerry,	ay	
Lovell,	no	
Holten,	no	
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Sherman,	ay	ay
Huntington,	no	
Spencer,	ay	
New York,		
Mr. Jay,	ay	ay
Duane,	ay	
Morris,	ay	
Floyd,	ay	
Lewis,	ay	
New Jersey,		
Mr. Scudder,	no	div.
Fell,	ay	
Pennsylvania,		
Mr. Armstrong,	no	no
Shippen,	no	
Searle,	no	
Muhlenberg,	ay	
M'Lene,	no	
Wynkoop,	ay	
Delaware,		
Mr. Dickinson,	ay	ay
Maryland,		
Mr. Plater,	ay	ay
Paca,	ay	
Carmichael,	ay	
Henry,	no	
Jenifer	ay	
Virginia,		
Mr. Smith,	ay	ay
Griffin,	ay	
Fleming,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Burke,	ay	
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	

So it was resolved in the affirmative.

A motion was then made by Mr. [James] Duane, seconded by Mr. [John] Armstrong,

That Mr. Izard be informed that it is the sense of Congress that he need not repair to America until it suits his convenience.

An objection being made to this, as being out of order,

On the question, "Is the motion in order", on which the yeas and nays being required by Mr. [William Henry] Drayton,

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts,		
Mr. S. Adams,	ay	
Gerry,	no	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	ay	
Collins,	ay	ay
Connecticut,		
Mr. Sherman,	no	
Huntington,	ay	ay
Spencer,	ay	
New York,		
Mr. Jay,	ay	
Duane,	ay	
Morris,	no	ay
Floyd,	ay	
Lewis,	ay	
New Jersey,		
Mr. Scudder,	no	
Fell,	ay	div.
Pennsylvania,		
Mr. Armstrong,	ay	
Shippen,	ay	
Searle,	ay	
Muhlenberg,	ay	ay
McLene,	ay	
Wynkoop,	ay	
Delaware,		
Mr. Dickinson,	ay	ay
Maryland,		
Mr. Plater,	ay	
Paca,	no	
Carmichael,	ay	ay
Henry,	ay	
Jenifer,	no	
Virginia,		
Mr. Smith,	no	
Griffin,	ay	no
Fleming,	no	
North Carolina,		
Mr. Penn,	no	
Burke,	ay	ay
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	

So it was resolved in the affirmative.

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

Resolved, That the words "until it suits his convenience" be struck out.

On the question to agree to the motion as amended, the yeas and nays being required by Mr. [William] Paca,

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts,		
Mr. S. Adams,	ay	ay
Gerry,	no	
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Collins,	ay	
Connecticut,		
Mr. Sherman,	ay	ay
Huntington,	ay	
Spencer,	ay	
New York,		
Mr. Jay,	no	ay
Duane,	ay	
Morris,	no	
Floyd,	ay	
Lewis,	ay	
New Jersey,		
Mr. Scudder,	ay	ay
Fell,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Shippen,	ay	
Searle,	ay	
Muhlenberg,	no	
M'Lene,	ay	
Wynkoop,	ay	
Delaware,		
Mr. Dickinson,	ay	ay
Maryland,		
Mr. Plater,	no	no
Paca,	no	
Carmichael,	no	
Henry,	ay	
Jenifer,	no	
Virginia,		
Mr. Smith,	no	no
Griffin,	no	
Fleming,	no	
North Carolina,		
Mr. Penn,	no	no
Burke,	no	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	

So it was resolved in the affirmative.

‖ *Resolved,* That Mr. Izard be informed that it is the sense of Congress that he need not repair to America.‖

On the question, shall Mr. W. Lee be recalled, the yeas and nays being required by Mr. [Meriwether] Smith,

New Hampshire,			*Delaware,*		
Mr. Whipple,	no	no	Mr. Dickinson,	ay	ay
Massachusetts,			*Maryland,*		
Mr. S. Adams,	no		Mr. Plater,	ay	
Gerry,	ay		Paca,	ay	
Lovell,	no	no	Carmichael,	ay	ay
Holten,	no		Henry,	no	
Rhode Island,			Jenifer,	ay	
Mr. Ellery,	ay		*Virginia,*		
Collins,	ay	ay	Mr. Smith,	ay	
Connecticut,			Griffin,	ay	ay
Mr. Sherman,	ay		Fleming,	ay	
Huntington,	ay	ay	*North Carolina,*		
Spencer,	ay		Mr. Penn,	ay	
New York,			Burke,	ay	ay
Mr. Jay,	ay		Sharpe,	ay	
Duane,	ay		*South Carolina,*		
Morris,	ay	ay	Mr. Laurens,	no	
Floyd,	ay		Drayton,	no	no
Lewis,	ay				
New Jersey,					
Mr. Scudder,	no				
Fell,	ay	div.			
Pennsylvania,					
Mr. Armstrong,	no				
Shippen,	no				
Searle,	no				
Muhlenberg,	ay	no			
M'Lene,	no				
Wynkoop,	ay				

So it was resolved in the affirmative.

A motion was made by Mr. S[amuel] Adams, seconded by Mr. [Roger] Sherman, that Mr. W. Lee be informed that it is the sense of Congress that he need not repair to America.

On the question to agree to this, the yeas and nays being required by Mr. [Meriwether] Smith,

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts,		
Mr. S. Adams,	ay	ay
Gerry,	no	
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	ay	div.
Collins,	no	
Connecticut,		
Mr. Sherman,	ay	ay
Huntington,	ay	
Spencer,	ay	
New York,		
Mr. Jay,	no	no
Duane,	ay	
Morris,	no	
Floyd,	ay	
Lewis,	no	
New Jersey,		
Mr. Scudder,	ay	ay
Fell,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Shippen,	ay	
Searle,	ay	
Muhlenberg,	no	
M'Lene,	ay	
Wynkoop,	ay	
Delaware,		
Mr. Dickinson,	ay	ay
Maryland,		
Mr. Paca,	no	no
Carmichael,	no	
Henry,	ay	
Jenifer,	no	
Virginia,		
Mr. Smith,	no	no
Griffin,	no	
Fleming,	no	
North Carolina,		
Mr. Penn,	no	no
Burke,	no	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	

So it was resolved in the affirmative.

Resolved, That there be but one plenipotentiary minister or commissioner for these United States at a foreign court.

The 7th proposition in the report being read, viz. "that no plenipotentiary minister or commissioner for these United States, while he acts as such, shall exercise any other public office:" after debate, the previous question was moved by

Mr. [Gouverneur] Morris, and seconded by Mr. [William Henry] Drayton, and being passed in the affirmative, the main question was set aside.

The 8th proposition being read, "that no person be appointed plenipotentiary minister or commissioner for these United States, who is not a citizen thereof, and who has not a fixed and permanent interest therein."

The previous question was moved by Mr. S[amuel] Adams, and seconded by Mr. [Gouverneur] Morris.

A division of the main question was required; and on the previous question on the first, viz. "that no person be appointed plenipotentiary minister or commissioner for these United States, who is not a citizen thereof."

The yeas and nays being required by Mr. [John] Penn,

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Collins,	ay	
Connecticut,		
Mr. Sherman,	ay	ay
New York,		
Mr. Jay,	no	no
Duane,	no	
Floyd,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Shippen,	ay	
Searle,	ay	
Muhlenberg,	ay	
M'Lene,	ay	
Wynkoop,	ay	
Delaware,		
Mr. Dickinson,	ay	ay
Maryland,		
Mr. Paca,	no	no
Henry,	no	
Jenifer,	ay	
Virginia,		
Mr. Smith,	no	no
Griffin,	no	
Fleming,	no	
North Carolina,		
Mr. Penn,	no	no
Burke,	no	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	ay	div.
Drayton,	no	

So it was resolved in the affirmative, and that part of the main question set aside.

The previous question being put on the latter part, passed in the affirmative, and that part was also set aside.

On the motion of Mr. [James] Searle, seconded by Mr. [John] Armstrong,

Resolved, That the order passed yesterday, directing and empowering the Committee of Commerce to draw bills on the Minister Plenipotentiary of the United States at the court of Versailles, be reconsidered.

A motion was then made by Mr. [James] Searle, seconded by Mr. [John] Armstrong.

That the Board of Treasury prepare drafts on the Minister Plenipotentiary of the United States of America at the court of Versailles, in favour of the Committee of Commerce, for the sum of three hundred and sixty thousand livres tournois, for the purpose of importing military stores.

On the question to agree to this, the yeas and nays being required by Mr. [Meriwether] Smith,

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	no	
Lovell,	ay	
Holten,	ay	
Connecticut,		
Mr. Sherman,	ay	ay
Huntington,	ay	
Spencer,	ay	
New Jersey,		
Mr. Scudder,	ay	ay
Fell,	ay	
New York,		
Mr. Jay,	no	ay
Duane,	ay	
Floyd,	ay	
Lewis,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Searle,	ay	
Muhlenberg,	ay	
M'Lene,	ay	
Wynkoop,	no	
Delaware,		
Mr. Dickinson,	ay	ay

Maryland,			*North Carolina,*		
Mr. Plater,	no		Mr. Penn,	no	
Paca,	ay		Burke,	ay	ay
Carmichael,	ay	ay	Sharpe,	ay	
Henry,	ay		*South Carolina,*		
Jenifer,	no		Mr. Laurens,	ay	
Virginia,			Drayton	ay	ay
Mr. Smith,	no				
Griffin,	no	no			
Fleming,	no				

So it was resolved in the affirmative.[1]

Adjourned to 10 oClock to Morrow.

WEDNESDAY, JUNE 9, 1779

A letter, of 8, from the Board of War, was read, enclosing a letter to them from Captain Segond:

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

The members chosen: Mr. [William] Paca, Mr. [Samuel] Holten and Mr. [Thomas] Burke.

Ordered, That Mr. [William] Floyd and Mr. S[amuel] Adams have leave of absence.

On motion of Mr. [John] Dickinson, seconded by Mr. [Thomas] Burke,

Resolved, That the management of all business relating to the marine of these United States, be vested in commissioners.

Resolved, That a committee of three be appointed to prepare a plan for conducting the marine business of the United States and ascertaining the duties and powers of the commissioners.

The members chosen, Mr. [John] Dickinson, Mr. [William] Whipple, and Mr. ~~Burke~~ [John] Collins.

According to the order of the day, Congress proceeded to the consideration of the report of the Board of Treasury

[1] This resolution and vote were entered only in the Secret Domestic Journal.

relative to finance, and sundry plans being offered, and in part debated,

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

The members chosen, Mr. [James] Duane, Mr. [Thomas] Burke, Mr. [Elbridge] Gerry, Mr. [Henry] Laurens, Mr. [Roger] Sherman, and Mr. [Meriwether] Smith.

Ordered, That the committee report on Friday morning.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, JUNE 10, 1779

A letter, of the 6th, from General Washington, was read.[1]

The Board of War, to whom was referred a memorial of Captain Loizeau, brought in a report; Whereupon,

WAR OFFICE, *June 9, 1779.*

The Board having considered the Memorial of Captain Augustin Loizeau, late of Colonel James Livingston's regiment, referred to them by Congress, beg leave to report:

That it appears that the Memorialist very early joined the American Army in Canada; that he distinguished himself by his zeal, activity and bravery in the cause; that for his meritorious services he was appointed a Captain in the above mentioned regiment; that during the time the regiment served in the Northern Department his character does not appear to have been impeached; that from the testimony of M^r^ [John] Welles there is reason to believe that occasions have been sought for and Artifices used to rid the regiment at any rate of all Canadian Officers; that it does not appear that Captain Loizeau is addicted to drink to excess. That an Officer being drunk is not by the Articles of War a crime for which he is to be cashiered, unless it be when he is on duty; that a single instance of being drunk and a consequent quarrel with his Lieutenant before some soldiers, appear to be the only crimes alledged against him, and for which he was dismissed the service. That this sentence and the confirmation of it, appear to the Board to be rigorous and severe beyond example.

[1] This letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 411. It is printed in *Writings of Washington* (Ford), VII, 465.

That Captain Loizeau's early attachment to the cause, his unremitted zeal and faithful services, his wretched situation if abandoned by this Country after being for our sakes banished from his own, would, if his crimes were much more aggravated, have some claims to compassion and forgiveness: That it be therefore

Ordered, That Major General Gates be directed to enquire into the case of Augustin Loizeau, a Canadian, late a captain in Colonel James Livingston's regiment, and dismissed from the service pursuant to the sentence of a court martial, held in January last in the State of Rhode Island, and report to Congress the result of such enquiry, and his opinion whether, from a consideration of all circumstances, Captain Loizeau merits forgiveness and to be restored to his rank in said regiment or not.[1]

The Board of War having further reported,

That Mons. Garanger and his brother were engaged under the contract with Mons. du Coudray, in October, 1776, in the ranks, the memorialist of a captain, and his brother of a lieutenant of bombardiers: that both the memorialist and his brother were made prisoners by the enemy, and detained at New York for twelve months, until they were exchanged, a few months ago, as French prisoners: that it appears both these gentlemen are entitled to pay under the contract, and as Mons. Garanger produces ample certificates of his knowledge in his profession, and of his good character, it seems to the Board proper,

That Mons. Garanger receive the further sum of fifteen hundred dollars on account, and that the Board of War be directed to order the same to be paid to him. That he proceed to the grand army, there to exhibit such proofs of his talents and merit as may be deemed necessary to enable the Commander in Chief to certify to Congress the propriety or inexpediency of retaining him in the service of the United

[1] This report is in the *Papers of the Continental Congress*, No. 147, III, folio 397.

States, and in what rank, if he shall entitle himself to a favorable certificate from General Washington:[1]

Resolved, That Congress agree to the said report.

The order of the day being called for, and the report of the committee of thirteen on foreign affairs being taken up,

A motion was made by Mr. [Thomas] Burke, seconded by Mr. [Henry] Laurens,

That the further consideration of the said report be postponed until order be taken on the letter of 22 May last from Mr. Deane, and a decision made on the resolution moved thereon by a member from North Carolina, seconded by a member from South Carolina:

On which the yeas and nays being required by Mr. [Thomas] Burke,

New Hampshire,			*New Jersey*,		
Mr. Whipple,	no	no	Mr. Scudder,	no	div.
Massachusetts Bay,			Fell,	ay	
Mr. S. Adams,	no		*Pennsylvania*,		
Gerry,	no	no	Mr. Armstrong,	no	
Holten,	ay		Shippen,	no	
Rhode Island,			Searle,	no	no
Mr. Ellery,	no	div.	Muhlenberg,	ay	
Collins,	ay		McLene,	no	
Connecticut,			Wynkoop,	ay	
Mr. Sherman,	no		*Maryland*,		
Huntington,	no	no	Mr. Paca,	ay	
Spencer,	ay		Carmichael,	ay	ay
New York,			Henry,	ay	
Mr. Jay,	ay	ay	Jenifer,	ay	
Lewis,	ay				

[1] This report, dated June 7 (present, Pickering, Spencer, and Peters), is in the *Papers of the Continental Congress*, No. 147, III, folio 395. Washington wrote on July 27, 1779, recommending Garanger for a captaincy, to be employed in the artillery as the commanding officer of artillery should elect, and the Board of War reported accordingly. The report of the Board, dated September 19, is in the *Papers of the Continental Congress*, No. 147, II, folio 479.

Virginia,			*North Carolina,*		
Mr. Smith,	ay	ay	Mr. Penn,	ay	ay
Griffin,	ay		Burke,	ay	
Fleming,	ay		Sharpe,	ay	
			South Carolina,		
			Mr. Laurens,	ay	ay
			Drayton,	ay	

So it was resolved in the affirmative.

The motion was then read:

That Silas Deane, Esq. be ordered not to depart the United States without the special permission of Congress; and that Arthur Lee, Esq. be directed to repair forthwith to America, in order the better to enable Congress to enquire into the truth of the several allegations and suggestions made by the said Arthur Lee, in his correspondence with Congress, against the said Silas Deane:

When the question was about to be put, the previous question was moved by Mr. [Eldridge] Gerry, and seconded by Mr. S[amuel] Adams; and a division of the main question being called for,

And on the question to agree to the previous question for ordering Mr. Deane not to depart the United States without the special permission of Congress, the yeas and nays being required by Mr. [Henry] Laurens,

New Hampshire,			*Connecticut,*		
Mr. Whipple,	ay	ay	Mr. Sherman,	ay	ay
Massachusetts Bay,			Huntington,	ay	
Mr. S. Adams,	ay	ay	Spencer,	ay	
Gerry,	ay		*New York,*		
Lovell,	ay		Mr. Jay,	no	no
Holten,	ay		Duane,	no	
Rhode Island,			*New Jersey,*		
Mr. Ellery,	ay	div.	Mr. Scudder,	ay	ay
Collins,	no		Fell,	ay	

Pennsylvania,		
Mr. Armstrong,	ay	ay
Shippen,	ay	
Searle,	ay	
Muhlenberg,	no	
M'Lene,	ay	
Wynkoop,	ay	
Maryland,		
Mr. Paca,	no	no
Carmichael,	no	
Henry,	no	
Jenifer,	ay	
Virginia,		
Mr. Smith,	no	no
Griffin,	no	
Fleming,	no	
North Carolina,		
Mr. Penn,	no	no
Burke,	no	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	

So the states were equally divided, and the question lost.

On the question to agree to the main question for ordering Mr. Deane not to depart, &c. the yeas and nays being required by Mr. [Samuel] Holten,

New Hampshire,		
Mr. Whipple,	no	no
Massachusetts Bay,		
Mr. S. Adams,	no	no
Gerry,	no	
Lovell,	no	
Holten,	no	
Rhode Island,		
Mr. Ellery,	no	div.
Collins,	ay	
Connecticut,		
Mr. Sherman,	no	no
Huntington,	no	
Spencer,	no	
New York,		
Mr. Jay,	ay	ay
Duane,	ay	
New Jersey,		
Mr. Scudder,	no	div.
Fell,	ay	
Pennsylvania,		
Mr. Armstrong,	no	no
Shippen,	no	
Searle,	no	
Muhlenberg,	ay	
M'Lene,	no	
Wynkoop,	no	
Maryland,		
Mr. Paca,	ay	div.
Carmichael,	ay	
Henry,	no	
Jenifer,	no	
Virginia,		
Mr. Smith,	ay	ay
Fleming,	ay	
Griffin,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Burke,	ay	
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	

So the states were equally divided and the question was lost.

On the question to agree to the previous question on the second part, for directing Mr. A. Lee to repair forthwith to America, &c. the yeas and nays being required by Mr. [William] Ellery,

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Collins,	ay	
Connecticut,		
Mr. Sherman,	ay	ay
Huntington,	ay	
Spencer,	ay	
New York,		
Mr. Jay,	ay	ay
Duane,	ay	
New Jersey,		
Mr. Scudder,	ay	ay
Fell,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Shippen,	ay	
Searle,	ay	
Muhlenberg,	ay	
McLene,	ay	
Wynkoop,	ay	
Maryland,		
Mr. Paca,	ay	ay
Carmichael,	ay	
Henry,	no	
Jenifer,	ay	
Virginia,		
Mr. Smith,	no	
Griffin,	ay	ay
Fleming,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Burke,	ay	
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	

So it was resolved in the affirmative:

That the main question be not now put.

Whether the house will now proceed to receive evidence in exculpation of parties charged by the Rep. of the Com^e.[1]

The house having considered the report of the Committee on foreign affairs and having gone thro' the said report and attended to the charges against the Commissioners and heard the evidence referred to by the Committee in support of the said charges, a question was moved, That the House proceed to hear evidence in exculpation of the said Commissioners.[2]

The report of the Com^e on foreign affairs, and the charges against the Com^rs together with the evidence in support of them referred to with said rep. having been all read, a mo. was made to introduce evidence in exculpation of their Com^rs whereupon the Qu. whether the house would then proceed to receive such evid. was debated and being ready to be put was postponed by N. Hampshire in right of the State.

The house having according to order proceeded to take into consideration the Rep^t of the Com^e on foreign affairs. The Question whether the House will now proceed to rec. evidence in exculpation of the Commissioners was put.[3]

The House having according to order proceeded to take under consideration the report of the Committee on Foreign affairs, with the charges against the Commissioners of the U. States of foreign courts and the evidence in support of such charges referred to in the report, and also such further evidence as was produced in support of the charges a question was thereupon moved that the House proceed to hear evidence in exculpation of the said Commissioners.[4]

M^r R. H. Lee, Sec^d by M^r Witherspoon.

A letter, of May 5, from Captain [Thomas] Pitcairn was read:[1]

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

The Committee on the Treasury, to whom it was referred to prepare Drafts on the Minister Plenipotentiary of the United States of America at the court of Versailles in favor of

[1] A paragraph in the writing of John Jay.

[2] A paragraph in the writing of Richard Henry Lee.

[3] Two paragraphs in the writing of Richard Henry Lee.

[4] A paragraph in the writing of Richard Henry Lee. The paper, without date, is in the *Papers of the Continental Congress*, No. 36, IV, folio 589.

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 215.

the Committee of Commerce, have according to order prepared four setts of Bills of Exchange, one sett for 150,000, one sett for 100,000 one sett for 70,000 and one sett for 40,000 Livres Tournois, the whole amounting to 360,000 Livres Tournois.

Your Committee have also prepared letters of advice of the said Drafts and further beg leave to submit the following Resolutions:

Resolved, That the said Drafts be signed by the President of Congress and entered at the auditor's office, and then delivered to the Commercial Committee to be negotiated in the manner mentioned in the Resolution of the 8th Instant.

Resolved, That the faith of the United States be pledged to make good any contract or engagement which shall be entered into by their Minister Plenipotentiary at the Court of France for procuring money or credit to enable him to honor the said Bills and provide for their punctual discharge.[1]

Adjourned to 10 oClock to Morrow.

FRIDAY, JUNE 11, 1779

A letter, of the 9th, from J. Read, president of the State of Pennsylvania, to the delegates of the said State, was laid before Congress:[2]

Ordered, That it be referred to the committee appointed to prepare a plan for regulating the departments of the quarter master and commissary general; and that the committee confer with the supreme executive council of Pensylvania thereon, and report on Monday next.

The committee, to whom were referred sundry plans relative to finance, brought in a report, which was taken into consideration; and thereupon,

[1] This report, dated June 9, P. M., is in the *Papers of the Continental Congress*, No. 26, folio 53. It is printed in the *Secret Journals, Domestic*, Vol. I, p. 119.

[2] This letter is in the *Papers of the Continental Congress*, No. 69, II, folio 77.

Resolved, That 20 millions of dollars, or such a part thereof as shall be brought into the continental loan offices on or before the first day of October next, be borrowed on the faith of the United States of America, at an interest of six per cent. per annum.

For facilitating the said loan,

Resolved, 1. That the loan officers in every State do immediately open subscriptions for the said loan:

2. That the executive authorities of the several states be requested immediately to appoint persons of character and influence in every county, town or district, to receive subscriptions and transmit the same to the loan officer or officers in the states respectively:

3. That no subscription be received for less than five hundred dollars:

4. That all subscriptions under ten thousand dollars shall be paid into the loan office where the same shall be subscribed, or into the hands of the person obtaining the subscription, within 14 days after the subscription shall be made:

And every subscriber failing, shall be subject to have his name published in the gazettes as having failed to perform his engagement, unless it shall appear that he has been prevented by unavoidable accident.

5. That any person subscribing ten thousand dollars, or upwards, shall be allowed to pay the same at two periods, to wit, one half within 14 days after the subscription, the residue on or before the 1st day of October next: the whole to bear interest from the time of the first payment, provided the other payment shall be punctually made:

6. That each lender [1] shall have his election either to receive

[1] The original report contained the following "of a sum not less than five hundred dollars, who shall pay the same into the loan office where the same shall be subscribed, or into the hands of the person obtaining the subscription, before the first day of October next," &c.

the principal at the expiration of three years from the date of the loan, or to continue it in the funds on interest until the whole amount of continental bills circulating shall not exceed the sum in circulation at the time of the loan.[1]

On the question to agree to the foregoing [sixth] resolution, the yeas and nays being required by Mr. [Meriwether] Smith,

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. Gerry,	ay	
S. Adams,	ay	ay
Holten,	ay	
Rhode Island,		
Mr. Ellery,	ay	
Collins,	ay	ay
Connecticut,		
Mr. Sherman,	ay	
Huntington,	ay	ay
Spencer,	ay	
New York,		
Mr. Jay,	no	
Duane,	ay	ay
Lewis,	ay	
New Jersey,		
Mr. Scudder,	ay	
Fell,	ay	ay
Pennsylvania,		
Mr. Armstrong,	ay	
Shippen,	ay	
Searle,	ay	ay
M'Lene,	ay	
Wynkoop,	ay	
Delaware,		
Mr. Dickinson,	ay	
M'Kean,	ay	ay
Maryland,		
Mr. Carmichael,	no	
Jenifer,	ay	div.
Virginia,		
Mr. Smith,	no	
Fleming,	no	no
Griffin,	no	
North Carolina,		
Mr. Penn,	ay	
Burke,	ay	ay
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	ay	ay

So it was resolved in the affirmative.

7. That interest on all sums which shall be paid into the loan office before the said first day of October, or which

[1] The original report read "amount of continental bills outstanding shall be diminished by the sinking fund one eighth part at the least, than at the time of lending."

shall be subscribed and paid agreeably to the terms of the 5th resolution aforesaid, shall be payable annually at the continental loan office of the State in which the money was originally subscribed: [1]

~~8. That the securities to be given for all sums so borrowed shall be made payable to the lender, or to his special attorney, executor or administrator.~~ [2]

Repealed

9. That as soon as the said twenty millions of dollars shall be subscribed, and all the first payments of the several subscriptions shall be made, no more bills of credit be issued on the credit of the United States, ~~and Congress will rely on the States for future supplies.~~ Congress finding it highly expedient to continue such emissions, and absolutely necessary to rely on the States for furnishing all future supplies by taxes, loans, contributions. or such other means as they may find most expedient.

8. That the loan officers shall transmit to the Board of Treasury by every post ~~an account~~ monthly returns of all sums subscribed and received in their respective offices, ~~and that the Board of Treasury cause the same together with the names of the lenders to be published.~~

10. That it be recommended to the several States to give effectual encouragement for the bringing in of money to anticipate the Taxes which may be necessary for defraying the quota of Continental Expences, to the end, that such as may be disposed to pay Taxes for several future years in one present payment, may find an interest and convenience in such payment.

11. But if, contrary to expectation, it should so happen that at the time the Interest on the said Loan shall become due a greater quantity of Continental paper money should be outstanding than at the time of lending the same, in such case, the Interest shall be raised in proportion.

[1] The original report added: "or at the office where Congress shall be sitting when the same shall become due."

[2] The paragraph was adopted on June 11. See also p. 729 *post*.

12thly. It is the intention of Congress not only to avoid new, [but] by every means in their Power to decrease the Quantity of paper money in circulation.[1]

9. That as Congress are bound by every motive of policy, and of public and private justice, to maintain the credit of the paper money emitted by their authority, on the faith of the United States; so it is their intention not only to avoid further emissions, but to diminish the quantity in circulation, provided that the respective states, by correspondent and vigorous exertions, shall put it in their power to raise the necessary supplies.

Adjourned to 10 oClock to Morrow.

SATURDAY, JUNE 12, 1779

A memorial from the officers of the 4th regiment of light dragoons was read:

Ordered, That it be referred to the Committee of Conference.

[1] This report, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 29, folio 155. This paragraph is in the writing of James Duane.

On folio 159 is a manuscript of Thomas Burke which is probably the first form of this report. On the last sheet, in the writing of Philip Schuyler, are notes of ten paragraphs. This paper is as follows:

"Resolved that subscriptions be opened by all the loan officers of these United States for borrowing in each State to the amount of their respective quotas of the Taxes required by the Resolutions of the day of and day of on the terms following to wit.

"No subscription to be received for less than the sum of Dollars. Every sum subscribed to be paid into the hands of the loan officer with whom the subscription shall be made within days after making the subscription, and on failure the subscriber to be subject to have his name published as having failed to comply with his subscription. All the money borrowed on the said subscriptions to bear an interest of 6 per cent per annum payable every six months at the office where the money was originally subscribed or at the loan office where Congress shall be sitting at the time it shall become due.

"Every person who shall subscribe one hundred thousand dollars to be allowed to make payment one half within days from the time of making the subscription, the other within three months after, the whole to bear interest from the time of the

Ordered unanimously, That the committee be instructed to report speedily upon a further provision for the army of the United States.

A letter, of 7, from G. Clinton, governor of New York, was read:[1]

Ordered, That it be referred to a committee of three.

The members chosen, Mr. [Daniel of St. Thomas] Jenifer, Mr. [John] Armstrong, and Mr. [William] Sharpe.

The Board of War having reported a form of a commission for officers of the staff; the same was read, and agreed to as follows:

The United States of America in Congress assembled, to greeting: We, reposing especial trust and confidence in your patri-

first payment, if the second shall be punctually paid. The lender shall not be obliged to receive his principal until the quantity of paper money in circulation is reduced by taxation or otherwise 25 per cent less than what was in circulation when the money was lent.

"That it be recommended to the States to exempt from taxation the principal of all such sums as shall be subscribed and paid on the loans aforesaid.

"That the names of all such persons as shall subscribe to the loan aforesaid together with the sums respectively subscribed be published in all the gazettes of the United States.

"That it be recommended to the States to appoint persons of weight and character in every town County or district to receive subscriptions for the loans aforesaid to be transmitted to the Loan offices Respectively.

"That certificates be delivered to every subscriber payable on the said first day of January 1781 of the same form *mutatis mutandis* with certificates, given for the money of the emissions of May 20th. 1777 and April 11 1778 which is to be exchanged.

"1. Borrow 20 millions to be paid in three years.

"2. Assure Lenders of certain sums say 500 dollars and upwards, that they will not be obliged to receive principal until currency appreciates to a certain degree.

"3. Receive subscriptions for the loans payable in [ ] days after subscribing.

"4. Allow all Lenders of thousand dollars to pay in several payments suffering interest to run on the whole from the first payment if the other payments are punctually made.

"5. Interest to be paid every six months.

"6. Names of Lenders to be published.

"7. Recommend to employ men of weight and influence to forward Loans.

"8. Give such Certificates as may not be negotiated.

"9. Give assurance that emissions shall be discontinued as soon as a sufficient sum shall be subscribed for the present campaign.

"10. Anticipation of Taxes by the States."

[1] This letter is in the *Papers of the Continental Congress*, No. 67, II, folio 194.

otism, prudence and fidelity, do by these presents constitute and appoint you to be . You are therefore faithfully and diligently to discharge the duty of by doing and performing all manner of things thereunto belonging. And you are to observe and follow such orders and directions, from time to time, as you shall receive from this or a future Congress of the United States, or committee of Congress for that purpose appointed, a committee of the states, or Commander in Chief for the time being of the army of the United States, or any other your superior officer, according to the rules and discipline of war, in pursuance of the trust reposed in you. This commission to continue in force until revoked by this or a future Congress, the Committee of Congress before mentioned, or a committee of the states.

Witness president of the Congress of the United States of America, at the day of and in the year of our independence.

Entered in the War Office, and examined by the Board,
secretary of the Board of War.[1]

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Jeremiah Wadsworth, Esq. commissary general of purchases on the application of Messrs. Chaloner & White, his agents, for four millions dollars, for the use of his department; for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. Joseph Spencer, one of the delegates for the State of Connecticut, for two thousand dollars, on his application; for which the said State is to be accountable.

That upon the application of the Medical Committee, a warrant issue on the treasurer, in favour of Doctor Isaac Forster, deputy director general of the eastern department, for one hundred and fifty thousand dollars, for the use of his department; for which he is to be accountable.

[1] The letter of the Board of War, transmitting this form of commission, is in the *Papers of the Continental Congress*, No. 147, III, folio 443.

A letter, of the 27th of May, from Benjamin Harrison, Jun. Esquire, Deputy Pay Master General, at Virginia, with his Return to the 1st of May last, being read, and, it appearing that there were then in the Military Chest 27,577 37/72 Dollars, the Board agreed to report the following Resolution:

Whereas the sudden departure of the enemy from the State of Virginia has rendered it unnecessary to send the whole of the money ordered the 31 of May last to that State:

Resolved, That the resolution of Congress of the date aforesaid for transmitting 300,000 dollars to Benjamin Harrison, Esq. deputy paymaster general in Virginia, be repealed, and that a warrant issue on the treasurer in favour of William Palfrey, Esq. paymaster general, for one hundred thousand dollars, to be by him transmitted to the said Benjamin Harrison, Esq. for the use of his department; for which the said William Palfrey is to be accountable.[1]

The commissioners of accounts report,

That there is due to the officers and privates of Colonel Lewis Nicola's invalid regiment, their pay and subsistance for the month of April last, two thousand three hundred and seventy three dollars and 6/90ths.

That there is due to James Stevenson, for cash advanced by him to defray the funeral expences of Moses Emerson, Esq. deceased, late one of the commissioners of accounts for the eastern department, three hundred and eighty two dollars and 30/90, which is to be charged to the estate of the said Mr. Emerson, deceased.

That there is due to Ensign Jacob Barnitz, late of Colonel Swoope's batallion of the Pensylvania flying camp, for pay and rations during his captivity, a ballance of two hundred and seventy one dollars and 88/90ths.

That there is due to the Reverend Mr. Lotbinier, his pay and subsistence as chaplain to Colonel James Livingston's

[1] This report, dated June 8, is in the *Papers of the Continental Congress*, No. 136, III, folio 371.

regiment, from the 11 May, to the 10th of June instant, sixty dollars.[1]

Ordered, That the said accounts be paid.[2]

Congress took into consideration the report of the committee to whom was referred the memorial of Doctor John Morgan, late director general and physician in chief in the general hospitals of the United States, and thereupon came to the following resolution:

Whereas by the report of the Medical Committee, confirmed by Congress on the 9th of August, 1777, it appeared that Dr. John Morgan, late director general and chief physician of the general hospitals of the United States, had been removed from office on the 9th of January, 1777, by reason of the general complaint of persons of all ranks in the army, and the critical state of affairs at that time; and that the said Dr. John Morgan requesting an inquiry into his conduct, it was thought proper that a committee of Congress should be appointed for that purpose: and, whereas, on the 18th day of September last, such a committee was appointed, before whom the said Dr. John Morgan hath in the most satisfactory manner vindicated his conduct in every respect as director general and physician in chief, upon the testimony of the Commander in Chief, general officers, officers in the general hospital department, and other officers in the army, shewing that the said director general did conduct himself ably and faithfully in the discharge of the duties of his office: therefore,

Resolved, That Congress are satisfied with the conduct of Dr. John Morgan while acting as director general and physician in chief in the general hospitals of the United States; and that this resolution be published.[3]

[1] This report, dated June 8, is in the *Papers of the Continental Congress*, No. 136, III, folio 375.

[2] From this point the entries were made by George Bond.

[3] This report, in the writing of William Henry Drayton, is in the *Papers of the Continental Congress*, No. 19, IV, folio 185. It was presented March 13 1779. Morgan's "Vindication," dated February 1, 1779, is in No. 63, folio 184.

TREASURY OFFICE *June 11th 1779*

The Committee on the Treasury beg leave to report,

That it be recommended to the several States to instruct their respective Treasurers appointed to receive Continental Taxes to make returns to Congress of the sums collected and that the Secretary once in every month enter such returns on the Journals of Congress.[1]

12 June Postponed

Adjourned to 10 oClock on Monday.

MONDAY, JUNE 14, 1779.[2]

Mr. H[enry] Marchant, a delegate from Rhode Island, attended, and produced the credentials of the delegates from that State, which were read, as follows:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

I certify that the honorable Stephen Hopkins, William Ellery, Henry Marchant and John Collins, Esquires, were at the general election held at Providence within and for the State aforesaid, on the first Wednesday in May instant, chosen delegates to represent the said State in the most honorable the Congress of the United States of America, for one year from the time of their appointment, and until they or either of them shall be superseded, and another or others shall appear to take his or their place; and that either of the said delegates is empowered to act separately and alone until the ratification of the articles of confederation by each and every of the United States shall take place, upon which event any two of the said delegates, if no more than three be present, or otherwise the major part of those present, are empowered to act.

In witness whereof I have hereunto set my hand this eighth day of May in the third year of independence, A. D. 1779.

HENRY WARD, *Secretary.*

A letter, of 3d, from W. Greene, governor of the State of Rhode Island;

One, of May 29, from Meshech Weare, president of the State of New Hampshire, and

[1] This report is in the *Papers of the Continental Congress*, No. 136, III, folio 377.

[2] Here Thomson resumed the entries.

One from Colonel L. Nicola, were read.[1]

A petition of James Smith, lieutenant in Colonel Procter's regiment, was read:[2]

Ordered, That it be referred to the Commander in Chief.

The committee, to whom was referred a letter from W. Killen, Esq. with sundry depositions enclosed, respecting the conduct of a certain William O'Hara, stiling himself deputy quarter master general, brought in a report, which was read:

Ordered, That it be re-committed.

Ordered, That a member be added to the said committee:

The member chosen, Mr. [John] Dickinson.

At the request of the committee for superintending the departments of the quartermaster and commissary general,

Resolved, That the said committee be discharged from proceeding on the information of abuses in the quarter master and commissary general's department at the head of Elk, contained in a letter from J. Thomas, of 28 April last, and that the said letter be referred to the Board of War.

The committee, appointed "to report a plan for putting the quarter master general and commissary general's departments on a different footing with respect to the expenditure of public money," brought in a report, which was read; Whereupon,

Resolved, That the quarter master general be empowered to allow and pay for a waggon, driver and four horses, thirteen and one-third dollars, one ration and forage per day; shoeing the horses, if done at the expence of the United States, to be deducted from the wages.

Resolved, That it be recommended to these states to exempt all drivers of waggons employed in the service of the United States, from militia duties, and from all fines on that account,

[1] The Greene letter is in the *Papers of the Continental Congress*, No. 64, folio 446; that of Weare, in No. 64, folio 82; and that of Nicola, in No. 163, folio 35.

[2] This petition is in the *Washington Papers*, No. 93, folio 218.

while they are engaged in the service; and that such service shall be considered and allowed as their tour of duty in the militia for such time as they are thus engaged.

Ordered, That the remainder of the report be postponed till Wednesday next.

Congress proceeded to the consideration of the report of the Board of Treasury, relative to finance, and some time being spent thereon,

7. That the executive powers of these States be requested as soon as possible to call together the Legislative powers of the respective States, and that it be recommended in the strongest manner to these States, to provide by laws that the following commodities be parted with to the purchasers of public supplies at prices not exceeding the following rates, to wit:

1 flour	per 100 lbs.	30 dollars.
2 Wheat	per bushel	10 Dollars.
3 Rye	per ditto	6⅔ Dollars.
4 barley	per ditto	ditto.
5 Indian corn	per ditto	5⅓ dollars.
7 Oats	per ditto	3⅓ dollars.
8 Buckwheat	per ditto	ditto.
10 Bran	per ditto	1⅓ dollars
9 Shorts	per ditto	3 dollars
6 Spelts	per ditto	4 dollars
Best grass fed beef	per 100 lbs.	33⅓ dollars
Pork	per 100 lbs.	42 dollars
Beef	per barrel	83 dollars
Pork	per barrel	110 dollars
Hay	per Ton	100 Dollars
A waggon driver and 4 horses per day		13⅓ dollars
Shoeing to be deducted if done at the expence of the United States		1 Ration and forage.

Agreed June 14.

All other articles at prices proportioned to and not exceeding the foregoing rates.

8. That the several States provide that the monies arising from the taxes for the forty five millions, lately called for by Congress be applied towards the payment for the said supplies; and in case of any

deficiencies, the said purchasers on receiving any of the articles aforesaid, shall give receipts for the same specifying the quantity, or number, quality and price which shall afterwards be discharged where they were given, as soon as possible, or at such times as shall be appointed by the Executive powers of each State respectively.

9. That each State respectively shall be credited for all savings made by purchasing therein articles under the prices aforesaid, ~~and debited for all expenditures therein in purchasing articles exceeding the prices aforesaid.~~ That the Board of Treasury being furnished with transcripts of Returns from the Board of War for that purpose, on comparing the expenses in purchasing supplies arising from the number of officers employed in that service, the pay and allowances made to them in each State respectively, and the quantity of supplies purchased in each State respectively, shall estimate the meyne expense arising as aforesaid in purchasing supplies, and each State respectively shall be thereupon credited for any savings by purchases made therein under the said meyne expense and debited for any expenses by purchases made therein above the said meyne expence.[1]

FINANCE.[2]

That for the encouragement of the Lenders immediately to fill up said Loan, they be assured that it is the intention of Congress to discontinue the emission of new bills as soon as supplies adequate to the current expences can be obtained. That the several States will be relied on for furnishing from time to time all further supplies that may be necessary. In consequence of which it may be expected that the currency will gradually appreciate until the time limited for its redemption, when the possessors will be entitled to receive the amount expressed in each bill in gold or silver.

That each lender shall be at liberty to receive the principal at the expiration of three years from the date of the loan, or continue it in the funds on interest, until the whole amount of continental bills outstanding is diminished by the sinking fund one part below what it was at the time of Lending.[3]

[1] These paragraphs, in the writings of John Dickinson, are in the *Papers of the Continental Congress*, No. 29, folio 163.

[2] The subject of finance was before Congress until June 29, and the following undated papers were considered, but no reference made in the Journals.

[3] A paper in the writing of Roger Sherman, in No. 29, folio 165.

Resolved, that the Legislatures of the several States be requested forthwith to lay their taxes for raising their respective quotas of the forty five million of dollars, called for by the Resolution of Congress of the 21st of May last, that such persons as are able and willing may have opportunity immediately to pay their ratable parts thereof, and that they direct their respective treasurers to make monthly returns to the Continental Board of Treasury of the sums they shall receive of such taxes, and to pay out the same agreeable to the orders of Congress.

That the Legislatures of the several States be informed that it is highly inexpedient to increase the quantity of paper currency by further emissions. And that Congress must rely wholly on the States to furnish their respective quotas of all the supplies that may from time to time be hereafter necessary to be raised by taxes or loans, or in any other way that may be practicable, and most convenient to each State.[1]

That the interest on all sums borrowed on the said Loan of 20 millions shall be increased in the proportion as the quantity of Continental money emitted before the said first day of October to the quantity which shall have been emitted before the time when the said Interest shall be payable. And in order to ascertain the same that the Treasury board transmit an account of every new emission to every loan officer in the United States.[2]

That in case a greater quantity of Continental paper money shall be outstanding at the time the interest on the several sums borrowed for completing the said loan of 20 millions shall be payable, than at the time of Lending, the Interest shall be increased in proportion.[3]

7. That interest on all sums which shall be paid into the Loan office before the said first day of October, or which shall be subscribed and paid agreeably to the terms of the 5th Resolution aforesaid, shall be payable annually at the continental loan office of the State in which the money was originally subscribed.

8. That the securities to be given for all sums so borrowed shall be made payable to the lender or to his special attorney, executor or administrator.

9. That the loan officers shall transmit to the board of Treasury monthly returns of all sums subscribed and received in their respective offices.

[1] A paper in the writing of Roger Sherman, on folio 165.
[2] A paragraph in the writing of Thomas Burke, on folio 166.
[3] A paragraph in the writing of Thomas Burke, on folio 166.

10. That as Congress are bound by every motive of policy and of public and private justice to maintain the credit of the paper money emitted by their authority on the faith of the United States, so it is their intention not only to avoid further emissions, but to diminish the quantity in circulation; provided that the respective States by correspondent and vigorous exertions shall put it in their power to raise the necessary supplies.

In addition to the foregoing the Committee having reported as follows:

But that if contrary to expectation it should happen that at the time the interest on the said Loan shall become due, a greater quantity of Continental paper money should be outstanding than at the time of lending the same, in such case the interest shall be raised in proportion.

On the Question to agree to this the yeas and nays being required by M[r] [Meriwether] Smith—

New Hampshire,		
Mr. Whipple,	no	no
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Holten,	no	
Rhode Island,		
Mr. Ellery,	no	no
Collins,	no	
Connecticut,		
Mr. Sherman,	ay	no
Huntington,	no	
Spenser,	no	
New York,		
Mr. Jay,	ay	ay
Duane,	ay	
New Jersey,		
Mr. Scudder,	no	no
Fell,	no	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Shippen,	no	
Searle,	ay	
McLene,	ay	
Wynkoop,	ay	
Delaware,		
Mr. Dickinson,	ay	ay
McKean,	ay	
Maryland,		
Mr. Carmichael,	ay	ay
Jenifer,	ay	
Virginia,		
Mr. Smith,	no	no
Griffin,	no	
Fleming,	no	
North Carolina,		
Mr. Penn,	no	no
Burke,	ay	
Sharpe,	no	

So it passed in the negative.

Adjourned to 10 oclock tomorrow.[1]

[1] A paper in the writing of Charles Thomson, on folio 167.

1. That a loan be opened for dollars at 6 per cent an., with a condition that the lender of any sum exceeding [ ] shall not be obliged to receive his principal until the quantity of paper money in circulation is reduced by taxation or otherwise 25 per cent less than what was in circulation when he lent his money to the Continent.

N. B. The Treasury will always be able with certainty to ascertain this and give notice of the time of payment.

That any person subscribing 60,000 dollars and upwards may have three days of payment ⅓ at the time of subscribing, ⅓ at the distance of 3 months, and one third three months after, Interest to be allowed for the whole from the first payment provided the other payments are punctually made.

2. That a loan be opened for [ ] dollars on the following terms:

The lender of one thousand dollars to receive a Sterling bill for 100 and so in proportion, payable in ten years from the time of payment, Interest to be estimated on the Sterling bill payable at the option of the lender in bills of exchange on France at 5 per ct., or in current money at 6 per ct., according to the rate of exchange; but if doubts or disputes arise about the rate of exchange, the Board of Treasury to have the option in what manner to pay.

3. That a loan be opened (here insert any other plan you think proper.)[1]

That the Board of Treasury be directed to transmit to the respective Loan offices, money in exchange for the emissions of 20 May, 1777, and 11th April, 1778, in the order in which the Returns from the loan officers shall be transmitted and the money lodged with the Treasurer of loans to be exchanged. And that if from any neglect in the Loan officers or otherwise the holders of receipts for the said emissions shall not receive money in exchange on the first of August, Interest shall be allowed on such receipts from that day till payment.[2]

Burke, Sherman,

Resolved that the Board of Treasury send forward money for exchanging the bills of the emissions of May 20, 1777, and April 11, 1778, agreeable to the resolutions of Congress for that purpose to the different States at such times and in such manner as they shall think most expedient.[3]

[1] A paper in the writing of Charles Thomson, on folio 175.

[2] A paragraph in the writing of James Duane, on folio 177.

[3] A motion of Burke, seconded by Sherman, in the writing of Thomas Burke, on folio 178.

That all persons who have received payment of debts (due before the issuing of Continental money) in bills of credit emitted by Congress at a depreciated value, shall receive from the Treasury of the United States an augmentation of the sum received for such debts, according to the difference between Gold and Silver and Continental currency at the time of receiving such payment, to be estimated and ascertained by the Board of Treasury.[1]

Let the whole sum of paper money emitted to this day be apportioned among the States according to the rule established, and each State be called on to pay into the Continental Treasury its proportion of the debt, on or by the first day of Jany., or interest on the balance due from the time of payment.

Let the annual emissions be called in annually in the same manner and at the same time.

Let all the money brought into the treasury in the above manner be destroyed and not reissued out.

Let the sum of 20 millions of dollars be borrowed on notes transferable at the loan office, payable at the end of 15 years after the date of the Loan at 6 per cent Interest annually, with a right of redemption in specie.

Let Congress assure the public that paper bills shall be cancelled by taxes or by payment in specie dollar for dollar.

Let Congress declare that the paper monies emitted and to be emitted, shall not exceed two hundred million of Dollars.

Let a Committee be appointed to prepare a Bill ascertaining the time and manner in which the public accounts shall be settled, and a summary way of bringing all persons entrusted with the receipt and expenditure of public money to account in the several States where they reside, and require the States to pass it into a Law.

Let all persons employed in the public Service, before they enter upon the duties of their appointment, give bond and security for the due expenditure of money and accounting to the public according to Law.

Let an advocate or attorney be appointed in each State to sue for and recover the debts due to the United States.

[1] A paragraph in the writing of Meriwether Smith, on folio 180.

Let an auditor in each State be appointed if necessary who will act according to law, or the discretion of Auditor General from time to time.[1]

Adjourned to 10 oClock to Morrow.

TUESDAY, JUNE 15, 1779

A letter, of May 30th, from General Schuyler, was read, enclosing a letter, of 21 of the same month, from James Deane, a list of the Indians' names to whom commissions will be given, and a list of the officers in Captain Lee's ranging company, and the time of their entering into the service:[2]

Ordered, That an extract of the letter with the list of Indians' names and of Captain Lee's officers be referred to the Board of War.

That so much of the letter as relates to Indian affairs, together with Mr. Deane's letter, be referred to the Committee on Indian Affairs and to the Committee of Intelligence.

A letter, of this day, from Dr. J. Morgan, was read, charging Dr. William Shippen, Jun. in the service of the United States, with mal-practices, and misconduct in office, and declaring his readiness to give before the proper court having jurisdiction, the necessary evidence in the premises against the said Dr. William Shippen.[3]

On motion of Mr. [Henry] Laurens, seconded by Mr. [William Henry] Drayton,

Resolved, That a copy of the said letter be transmitted to the Commander in Chief, and that he be directed to cause such proceedings to be had thereon, as that the charges alluded to in it be speedily enquired into, and justice done.

[1] A paper in the writing of Meriwether Smith, on folio 179.

[2] Schuyler's letter is in the *Papers of the Continental Congress*, No. 152, III, folio 446; that of Deane, in No. 78, VII, folio 243.

[3] This letter is in the *Papers of the Continental Congress*, No. 63, folio 129.

Ordered, That an extract of the letter, with the above resolution, be transmitted to Dr. Shippen.

A petition from Samuel De Lucena, respecting a sulphur mine, was read:

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

A memorial of Azariah Horton, deputy commissary general of musters, was read:[1]

Ordered, That the same, together with the reports of the Board of War respecting the department of the commissary of musters be referred to a committee of three:

The members chosen, Mr. [Henry] Laurens, Mr. [Joseph] Spencer, and Mr. [Nathaniel] Scudder.

A letter, of 4, from the Board of War, was read:[2]

Ordered, That the same, together with the report of the Board on the department of the military stores, be referred to the committee appointed to enquire into the state of the several departments and boards.

The commissioners of accounts having reported on the accounts of Joseph Grier, appointed by the council of Pensylvania to purchase provisions for the use of the continental army:

Ordered, That the same be referred to the Board of Treasury.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. S[amuel] Adams, one of the delegates of Massachusetts bay, on his application, for fifteen hundred dollars, for which the said State is to be accountable.[3]

That a Warrant issue on the treasurer, in favour of William Henry, Esq. of Lancaster, in the State of Pensylvania, for

[1] Lucena's petition, dated June 14, is in the *Papers of the Continental Congress*, No. 42, IV, folio 200; Horton's memorial, dated June 14, is in No. 41, IV, folio 67.

[2] This letter is in the *Papers of the Continental Congress*, No. 147, III, folio 385.

[3] This report, dated June 14, is in the *Papers of the Continental Congress*, No. 136, III, folio 385. The paragraph on McConnel (p. 736) formed a part of the same report

fifty thousand dollars advanced on the application of the Board of War and Ordnance, to enable the said William Henry to purchase leather, linnen, &c. to carry on the business of his department; for which he is to be accountable.[1]

~~The Board, having considered a letter of the 3d Inst., from General Smallwood to the Honble William Paca, Esquire, Member of Congress from Maryland, beg leave to report:~~

That a warrant issue on the Treasurer in favor of the Delegates of Maryland, for 9736 dollars, to enable them to exchange for General Smallwood a like sum of the Emissions of May 20, and April 11, 1778, the said State to be charged therewith, and to repay it in the month of August next.

Agd. 15th June reconsidered and recommitted.

That a warrant issue on the treasurer, in favour of Mr. Frederick Muhlenberg, one of the delegates of the State of Pensylvania, on his application for fifteen hundred dollars, for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Colonel Benjamin Flower, commissary general of military stores, on the application of the Board of War and Ordnance, for five hundred thousand dollars, for the use of his department, to be issued from time to time from the treasury as the necessities of the department shall require, for which the said Colonel B. Flower is to be accountable.

The Committee on the Treasury, to whom was referred the memorial of William Storey, of the 4th of May last, having considered the same, beg leave to report the following resolution:

Resolved, That for his services as Clerk to the Navy Board from the 1st of May, 1778, to the present time, he received the same allowance as has been made to a Clerk in the Office of the Secretary who is directed to transmit an account thereof and a copy of this resolution to the Navy Board of the Eastern District.[2]

[1] This report, dated June 15, is in the *Papers of the Continental Congress*, No. 136, III, folio 389.

[2] This report, dated June 12, is in the *Papers of the Continental Congress*, No. 136, III, folio 381.

The Board of Treasury, to whom were referred a petition of Archibald McConnel, the memorial of William Storey, and a letter of the 3d from General Smallwood to the Honble William Paca, Esq. brought in a report; Whereupon,

Resolved, That Thomas Smith, Esq. commissioner of the continental loan office of Pensylvania, be directed to receive of Archibald McConnel four thousand dollars of the emissions of May 20th, 1777, and April 11, 1778, and issue loan office certificates or indented receipts for the same, as the petitioner shall judge expedient.[1]

Ordered, That so much of the said report as relates to the memorial of William Storey be re-committed, and that the Board take order thereon.

That so much as relates to General Smallwood's letter be also re-committed.

The committee appointed to prepare an answer to the letter from his most Christian Majesty brought in a draught, which was read and agreed to; as follows:

GREAT, FAITHFUL, AND BELOVED FRIEND AND ALLY,

The repeated proofs we have received of your majesty's regard for these United States will lead their citizens to rejoice in every event that may conduce to your happiness or glory. It affords us particular pleasure to hear that Providence has been pleased to bless your nuptials with the birth of a princess; and we pray God that the virtues and honours of your illustrious family may be perpetuated in a race of descendants worthy of so great and so good an ancestor.

We receive with great satisfaction and sensibility your majesty's assurances of esteem and constant regard; and we entreat you to be persuaded that the permanence and stability of our friendship will be equal to the magnanim-

[1] See note on p. 734, *ante*.

ity of that conduct, and the importance of those good offices, by which it was created.

Permit us to request the favour of your majesty to oblige us with portraits of yourself and royal consort, that, by being placed in our council chamber, the representatives of these states may daily have before their eyes the first royal friends and patrons of their cause.

We beseech the Supreme Disposer of events to keep you both in his holy protection, and long to continue to France the blessings resulting from the administration of a prince who nobly asserts the rights of mankind.

Done at Philadelphia, the fifteenth day of June, 1779. By the Congress of the United States of America. Your faithful friends and allies.

Ordered, That copies thereof be made out, signed by the President, and transmitted.

The said committee having prepared a representation and request to his most christian majesty, the same was agreed to as follows:

The representation and request of the Congress of the United States of America, to their great, faithful, and beloved friend and ally, Lewis the sixteenth, king of France and Navarre.

The full confidence we repose in your majesty's constant attention to the great objects of the treaties subsisting between us, and our earnest desire vigorously to co-operate in the attainment of them, induce us to submit the following facts and proposals to your consideration:

At the commencement of the present war, we were in a great degree destitute of arms, ammunition and clothing for our armies; and supplies have since been irregular, fortuitous and scanty. Our husbandmen have

been so much interrupted by frequent calls to arms, that even the productions of our fertile country have been considerably diminished; and other natural effects of war have rendered our usual commodities for exportation less abundant than formerly.

Our coasts have long been, and still are, so infested by the enemy's cruisers, that our commerce has been greatly injured, and both exports and imports become very hazardous. For want of naval stores, our marine exertions have been less extensive than they otherwise would have been. And while commodities proper for remittances remain scarce, and the transportation of them precarious, we have little reason to expect ample supplies from private contracts and commercial projects.

We are impressed with the strongest conviction of your majesty's friendly disposition towards us; and we are persuaded that the same magnanimity which induced your majesty to unite with us in frustrating the cruel designs of a nation whose power and lust of dominion had become dangerous to their neighbours, and oppressive to us, will continue to influence your majesty to exertions glorious to France and advantageous to your allies. We therefore take the liberty of requesting your majesty to furnish us with these necessary supplies, an estimate of which we have ordered our minister to lay before you; and we pledge the faith of these states for the repayment with interest of whatever sums may be advanced for that purpose, as soon as the restoration of peace shall have enabled us. Be assured that they shall be vigorously used against the common enemy, with whom we shall neither conclude peace nor truce without your concurrence; and that it is our sincere desire, that the alliance between us may be as beneficial to France, as it has been liberal and salutary to these United States.

On the 10th July, the board of war having laid before Congress an estimate of sundry articles proper to be sent for, amounting to five hundred and five thousand seven hundred and ninety-two pounds five shillings and six pence sterling; and the marine committee having laid before Congress an estimate of articles in their department, necessary to be sent for, amounting to sixty thousand three hundred and fifty-six pounds eleven shillings two farthings sterling.

Ordered, That copies of the said invoices be made out by the board of war and marine committee respectively, and delivered to the President, to be by him transmitted, with the representation, to his most Christian Majesty.[1]

Ordered, That the estimate of articles necessary in the department of the Board of War and Ordnance reported by the Board of War be referred to a committee of three:[2]

The members chosen, Mr. [Meriwether] Smith, Mr. [Henry] Marchant, and Mr. [William] Whipple.[3]

Adjourned to 10 oClock to Morrow.

WEDNESDAY, JUNE 16, 1779

A letter, of 5, from J. Powell, president of the council of Massachusetts bay, one, of the 3, from Major General Heath, and one, of 15, from Colonel L. Nicola, were read.

A letter, of 11th, from General Washington, and one, of 12, from Major General Baron Steuben, were read:[4]

[1] These letters, etc., were entered only in the manuscript Secret Journals, Foreign Affairs.

[2] This estimate is in the *Papers of the Continental Congress*, No. 147, III, folio 417.

[3] In the *Papers of the Continental Congress*, No. 42, V, folio 150, is a petition of John Macpherson, of this date, endorsed as read July 15. It must have been read June 15 as Thomson has noted on it the ballots for this committee, as follows: Armstrong, 2; Whipple, 4; Smith, 8; Marchant, 6; Huntington, 3; Scudder, 1; Ellery, 1; Laurens, 3; and Gerry, 2.

[4] Powell's letter is in the *Papers of the Continental Congress*, No. 65, I, folio 392; that of Heath, in No. 157, folio 273; that of Nicola, in No. 163, folio 44; that of Washington, in No. 152, VII, folio 415; that of Steuben, in No. 164, folio 178.

Ordered, That the letter from Baron Steuben be referred to the Board of War, and the letter from the General to a committee of three:

The members chosen, Mr. [Elbridge] Gerry, Mr. [John] Armstrong, and Mr. [Henry] Laurens.

The Committe to whom was referred a letter from General Washington of the 11th of this month, beg leave to report the following resolution:

Whereas the enemy availing themselves of the delays that have happened in filling up the Continental Battalions, have taken post on each side of the North River, and are fortifying the same; and whereas it is represented to Congress by General Washington, that the advantages of their holding the said posts will be important to the enemy, and the inconveniences on our side great; that it is a step to further their operations against the defences of the river: that our communication by King's ferry is at an end; that the extent and difficulty of land transportation is considerably increased; that a new resort and sanctuary is afforded to the disaffected in that part of the country, and that a new door is opened to draw supplies, and distress and corrupt the inhabitants.

Resolved, therefore, that it be earnestly recommended to the several States, by the most decisive and vigorous efforts, forthwith to fill up their respective Battalions agreeable to a resolution of Congress of , that the present favorable opportunity may be improved for annoying and dislodging the enemy.[1]

A letter, of 11, from General Washington, was read; Whereupon,

Resolved, That the Board of Treasury be empowered to borrow the sum of five hundred guineas, assuring the lenders the payment of principal and interest in hard money, as soon as the treasury shall be supplied with a sufficient sum.[2]

A letter, of 15, from the Board of War, was read, enclosing one, of 11, from J. Carleton:[3]

[1] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 19, VI, folio 269.

[2] This resolution was entered only in the manuscript Secret Domestic Journal.

[3] The letter of the Board of War is in the *Papers of the Continental Congress*, No. 147, III, folio 445; that of Carleton, on folio 449.

Ordered, That the same be referred to the Board of Treasury.

The committee, to whom was referred the letter, of the 7th of June, from Governor Clinton, brought in a report; Whereupon,

Resolved unanimously, That the officers acting under the State of New York, who were lately restrained of their liberty by certain persons of a district called the New Hampshire Grants, ought to be immediately liberated.

That it would be attended with consequences fatal to the good Government of the United States to suffer any officer or officers in their pay, to oppose or interrupt the legal authority of any of the United States, or to disturb the peace and tranquillity of any of their subjects.

Resolved unanimously, That the committee appointed to repair to the inhabitants of a certain district known by the name of the New Hampshire Grants, be directed to enquire into the ~~conduct of Colonel Ethan Allen, now in the pay of the United States, concerning the charge exhibited against him by Governor Clinton~~ matters and things contained in the letters of Governor Clinton, of 27 May, and of the 7th inst. and that copies of the said letters be transmitted to the said committee, and that they be directed to report specially to Congress.

That it was not the intention of Congress by the last resolution referred to by Governor Clinton, "to hold up a principle which may be considered by the Legislature as subversive of the internal Polity of the State;" nor is such construction warranted by the said resolution. And if it were, the measure was adopted by Congress at the instance of the delegates from the State of New York.

Resolved unanimously, That it was not the intention of Congress, by their resolutions of the first instant nor ought the same, or any other part thereof, to be construed to hold up principles subversive of, or unfavorable to, the internal polity of any or either of the United States:[1]

[1] This paragraph was a substitute for that in the original report, and is on folio 355, in the writing of John Witherspoon.

That as Congress expect very salutary effects from the appointment of the said committee, therefore all further proceeding on Governor Clinton's letter be postponed until they report.[1]

Congress proceeded in the consideration of the report of the Board of Treasury relative to finance, and some time being spent therein,

Adjourned to 10 oClock to Morrow.

THURSDAY, JUNE 17, 1779

A letter, of this day, from Thomas Paine,[2] was read.

A memorial of Israel Morris was read:

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

Congress proceeded to the consideration of the report of the committee on the letters from A. Lee, Esq. and the communications from the Minister Plenipotentiary of France, and some time being spent thereon,

Congress proceeded in the consideration of the report on the communications of the Minister of France, &c. And the sixth article in the report, under the first head, being read, the same was set aside by the previous question.

The articles under the second head were then taken into consideration; and the first and second were set aside by the previous question.

The third article was then read; and a division being called for, the first clause, to wit: "That it may be stipu-"lated, that the United States shall not trade to the "East Indies, if adequate compensation can be obtained," was set aside by the previous question.

[1] This report, in the writing of Daniel of St. Thomas Jenifer, is in the *Papers of the Continental Congress*, No. 20, I, folio 353.

[2] The letter of Paine is in the *Papers of the Continental Congress*, No. 55, folio 69.

On the second clause, viz. "or, engage in the slave "trade, if adequate compensation can be obtained," the previous question being moved, the yeas and nays thereon required by Mr. [John] Jay—

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. Gerry,	no	
Lovell,	ay	ay
Holten,	ay	
Rhode Island,		
Mr. Ellery,	ay	
Marchant,	ay	ay
Collins,	ay	
Connecticut,		
Mr. Sherman,	ay	
Huntington,	ay	ay
Spencer,	ay	
New York,		
Mr. Jay,	no	
Duane,	ay	ay
Morris,	ay	
Lewis,	ay	
New Jersey,		
Mr. Scudder,	ay	ay
Fell,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	
Shippen,	ay	ay
Muhlenberg,	ay	
M'Lene,	ay	
Delaware,		
Mr. Dickinson,	ay	ay
M'Kean,	ay	
Maryland,		
Mr. Henry,	ay	ay
Jenifer,	ay	
Virginia,		
Mr. Smith,	ay	
Griffin,	ay	ay
Fleming,	ay	
North Carolina,		
Mr. Penn,	ay	
Burke,	ay	ay
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	

So it was resolved in the affirmative, and the clause set aside.

The fourth, fifth and sixth articles were severally set aside by the previous question.

Resolved, That a cessation of hostilities during the negotations may be agreed to, but not without the consent or our ally, nor unless it shall be previously stipulated that all the forces of the enemy shall be immediately withdrawn from the United States.

Ordered, That the farther consideration of the report be postponed.

Resolved, That a committee of three be appointed to prepare the form of a commission to the minister who may be appointed to negotiate a peace.

The members chosen, Mr. [John] Dickinson, Mr. [Gouverneur] Morris and Mr. [Henry] Marchant.[1]

Adjourned to 10 oClock to Morrow.

FRIDAY, JUNE 18, 1779

A petition of William and John Hackett was read:

Ordered, That it be referred to the Marine Committee, and that they take order thereon.

A letter of 6 June, from Major General W. Philips, was read,[2] recommending Captain Featherstone, of the troops of convention, who comes to Philadelphia by permission of Governor Henry and Colonel Bland, to be exchanged, and intimating that Captain Featherstone should be exchanged as lieutenant, his promotion to captain-lieutenancy having happened since the convention; Whereupon,

Resolved, That Captain Featherstone repair immediately to the town of Mount Holly, and remain there until the treaty for his exchange between the commanders in chief of both armies shall be terminated; and that the President write to the General upon that subject, and inform him that Congress have no objection to the captain's exchange as a lieutenant, provided the principle on which the same shall be made be fully established, and that he give orders respecting Captain Featherstone's route to New York, in case the exchange take place.

A memorial of Charles Pettit for himself and John Cox, was read:[3]

[1] These proceedings were entered only in the manuscript Secret Journals, Foreign Affairs.

[2] This letter is in the *Papers of the Continental Congress*, No. 57, folio 349.

[3] This memorial is in the *Papers of the Continental Congress*, No. 41, VIII, folio 72.

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

The members chosen, Mr. [Thomas] McKean, Mr. [James] Lovell and Mr. [William] Paca.

A letter, of 7th, from General Schuyler, was read:[1]

Ordered, That so much thereof as relates to money be referred to the Board of Treasury, and what relates to the Indians to the Board of War.

A letter, of 17th, from the Board of War was read, respecting the house taken for the Minister Plenipotentiary of France:

Ordered, To lie on the table.

Another letter, of 17th, from the Board of War was read, enclosing a report and sundry papers relating[2] thereto:

Ordered, That the consideration thereof be postponed to Tuesday next.

The commissioners of accounts report,

That there is due to William Kinnan, copper plate printer, for his pay and board from 9th April to the 8 June, inclusive, four hundred and seventy three dollars and 30/90ths.

That there is due to John Aikin, for forrage, provisions, &c. supplied the 4th regiment of light dragoons, and Colonel Armand's corps, under the command of Lieutenant Colonel Anthony W. White, from the 27 August to 1 September, 1777, three hundred and ninety seven dollars and 78/90ths; and for 48 gallons of Jamaica spirits delivered to the said Lieutenant Colonel White, and which is to be charged to him until he renders an account for the expenditure of the same, amounting to three hundred and twenty dollars, making in the whole seven hundred and seventeen dollars and 78/90ths.[3]

Ordered, That the said accounts be paid.

[1] This letter is in the *Papers of the Continental Congress*, No. 153, III, folio 450.

[2] This letter is in the *Papers of the Continental Congress*, No. 147, III, folio 457. The enclosures were four reports based upon a correspondence between the Board and General Washington.

[3] This report, dated June 16, is in the *Papers of the Continental Congress*, No. 136, III, folio 393.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Joseph Carleton, Esq. paymaster to the Board of War and Ordnance, on the application of the said Board, for one hundred and sixty six thousand, six hundred and sixty six dollars and one third of a dollar, to be by him transmitted to Patrick Lockart, Esq. in Virginia, for the purpose of discharging debts contracted in supplying the troops employed in the western expedition, for which the said Patrick Lockart is to be accountable.

The Committee on the Treasury report,

That they have, according to order, prepared bills of exchange on the Minister Plenipotentiary of the United States at the court of France, in favor of Mr. Caron de Beaumarchais, consisting of fifty sets, six bills to each set, as specified in a schedule annexed, all dated the 15 day of this inst. June, amounting in the whole to two millions four hundred thousand livres tournois, and payable the 15 day of June, 1782; and also six sets, six bills to each set, all dated the same day, drawn on the said minister, in favor of the said Mr. C. de Beaumarchais, for the yearly interest of the said principal sum, at six per cent. being one hundred and forty four thousand livres yearly, in the whole 432,000 livres; the principal and interest so drawn for amounting, in the whole, to 2,832,000 livres, which last mentioned bills for the interest are particularly specified in the said schedule; and that they have also prepared letters of advice of the said bills of exchange to the said Minister Plenipotentiary; Whereupon,

Resolved, That the said draughts be signed by the President of Congress, and entered in the auditor's office as warrants are usually passed, and then delivered to Mr. Francey, agent for the said Mr. de Beaumarchais, on his giving the auditor general a receipt for the same; and that Mr. de Beaumarchais be charged with the amount of the said principal sum in the books of the treasury.

Resolved, That the faith of the United States be pledged to make good any contract or engagement which shall be entered into by the said Minister Plenipotentiary, or any future minister of these United States at the court of Versailles, for obtaining money or credit to enable him to honor the said drafts and provide for their punctual discharge.

Ordered, That copies of the foregoing resolutions, and of that of the 5th instant and of the letters of advice subscribed by the President, be transmitted by the Committee for Foreign Affairs to the Minister Plenipotentiary at the Court of Versailles.[1]

A petition from Benjamin May was read:

Ordered, That it be referred to the committee appointed to superintend the departments of the quartermaster and commissary general.

Congress proceeded, in the order of the day, to the subject of finance; Whereupon, a motion was made by Mr. [Gouverneur] Morris, seconded by Mr. [Elbridge] Gerry,

That when the interest on moneys which have been or may be placed in the several loan offices on or after the 1st day of March, 1778, shall become due, and be paid, the same shall be increased in proportion to the increase of the sum of continental paper money which may be in circulation after the dates of such loans respectively.

A motion was made by Mr. [James] Duane, seconded by Mr. [Thomas] Burke, to strike out the words "have been or," and the words "on or after the 1st day of March, 1778," and also the words "and be paid," in order after loan office to insert, "on the loan of 20,000,000, voted to be borrowed by the resolution of."

On the question, shall the words moved to be struck out stand? The yeas and nays being required by Mr. [Thomas] Burke,

[1] This report, dated June 16, is in the *Papers of the Continental Congress*, No. 136, III, folio 395.

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Collins,	ay	
Connecticut,		
Mr. Sherman,	ay	ay
Huntington,	ay	
Spencer,	ay	
New York,		
Mr. Jay,	ay	ay
Duane,	no	
Morris,	ay	
New Jersey,		
Mr. Scudder,	no	div.
Fell,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Shippen,	ay	
Searle,	ay	
Muhlenberg,	ay	
M'Lene,	ay	
Delaware,		
Mr. Dickinson,	ay	ay
M'Kean,	ay	
Maryland,		
Mr. Paca,	no	no
Henry,	no	
Jenifer,	no	
Virginia,		
Mr. Smith,	no	no
Griffin,	ay	
Fleming,	no	
North Carolina,		
Mr. Penn,	ay	div.
Burke,	no	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	

So it was resolved in the affirmative.

Adjourned to 10 oClock to Morrow.

SATURDAY, JUNE 19, 1779.

A letter, of 12, from J. Wadsworth, and one, of 14, from Major General Greene, were read.

A letter, of 14, from J. Lawrance, judge advocate general, was read:[1]

[1] The letter of Wadsworth is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 49; that of Greene, in No. 155, I, folio 135; that of Lawrance, in No. 78, XIV, folio 263.

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

A representation from John Garcia Duarti was read,[1] enclosing an invoice of the cargo and effects on board the snow *Nostra Seigniora de Carmo and Santo Antonio:*

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

The members chosen, Mr. [James] Lovell, Mr. [William] Ellery, and Mr. [William Henry] Drayton.

Congress proceeded to the consideration of the report of the committee on the letters from A. Lee, Esq. and some time being spent thereon,

Congress resumed the consideration of the report on the communications, &c., when the following resolutions were moved by Mr. [Elbridge] Gerry, seconded by Mr. [William] Ellery,

1. That it is essential to the welfare of these United States that the inhabitants thereof, at the expiration of the war, should continue to enjoy the free and undisturbed exercise of their common right to fish on the banks of Newfoundland, and the other fishing banks and seas of North America, preserving inviolate the treaties between France and the said states.

2. That an explanatory article be prepared and sent to our minister plenipotentiary at the court of Versailles, to be by him presented to his most Christian Majesty, whereby the said common right to the fisheries shall be more explicitly guarantied to the inhabitants of these states than it already is by the treaties aforesaid.

3. That in the treaty of peace with Great Britain a stipulation be made, on their part, not to disturb the inhabitants of these states in the free exercise of their common right to the fisheries aforesaid; and that a reciprocal engagement be made on the part of the United States.

[1] This representation is in the *Papers of the Continental Congress*, No. 44, folio 77.

4. That the faith of Congress be pledged to the several states, that, without their unanimous consent, no treaty of commerce shall be formed with Great Britain previous to such stipulation.

5. That if the explanatory article should not be ratified by his most Christian Majesty, nor the stipulation aforesaid be adopted by Great Britain, the minister conducting this business shall give notice thereof to Congress, and not sign any treaty of peace until their pleasure be known.[1]

The first proposition being read, a motion was made by Mr. [Gouverneur] Morris, seconded by Mr. [William Henry] Drayton, to amend it by striking out certain words and inserting others, so that it read, "That it "would be very injurious to these United States, and "the inhabitants thereof, at the expiration of the war, "not to enjoy the free," &c.

On the question, Shall the words, moved to be struck out, stand, the yeas and nays being required by Mr. [William] Ellery,

New Hampshire,			*New York,*		
Mr. Whipple,	ay	ay	Mr. Jay,	no	div.
Massachusetts Bay,			Duane,	ay	
Mr. Gerry,	ay	ay	Morris,	no	
Lovell,	ay		Lewis,	ay	
Holten,	ay		*New Jersey,*		
Rhode Island,			Mr. Scudder,	no	no
Mr. Ellery,	ay	ay	Fell,	no	
Marchant,	ay		*Pennsylvania,*		
Collins,	ay		Mr. Armstrong,	ay	ay
Connecticut,			Searle,	ay	
Mr. Sherman,	ay	ay	Muhlenberg,	ay	
Huntington,	ay		M'Lene,	ay	
Spencer,	ay				

[1] This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 25, I, folio 451.

Delaware,			*Virginia,*		
Mr. Dickinson,	no	div.	Mr. Smith,	no	
M'Kean,	ay		Griffin,	no	no
Maryland,			Fleming,	no	
Mr. Paca,	no		*North Carolina,*		
Carmichael,	no	no	Mr. Penn,	no	no
Jenifer,	no		Burke,	no	
			South Carolina,		
			Mr. Laurens,	ay	div.
			Drayton,	no	

So it was resolved in the affirmative.

A motion was then made by Mr. [Gouverneur] Morris, seconded by Mr. [Meriwether] Smith, that the farther consideration of the first proposition be postponed. On which, the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,			*Pennsylvania,*		
Mr. Whipple,	no	no	Mr. Armstrong,	no	
Massachusetts Bay,			Shippen,	no	
Mr. Gerry,	no		Searle,	no	no
Lovell,	no	no	Muhlenberg,	no	
Holten,	no		M'Lene,	no	
Rhode Island,			*Delaware,*		
Mr. Ellery,	no		Mr. Dickinson,	ay	div.
Marchant,	no	no	M'Kean,	no	
Collins,	no		*Maryland,*		
Connecticut,			Mr. Carmichael,	ay	ay
Mr. Sherman,	no		Jenifer,	ay	
Huntington,	no	no	*Virginia,*		
Spencer,	no		Mr. Smith,	ay	
New York,			Griffin,	no	ay
Mr. Jay,	ay		Fleming,	ay	
Duane,	no	div.	*North Carolina,*		
Morris,	ay		Mr. Penn,	ay	div.
Lewis,	no		Burke,	no	
New Jersey,			*South Carolina,*		
Mr. Scudder,	no	div.	Mr. Laurens,	no	div.
Fell,	ay		Drayton,	ay	

So it passed in the negative.

A motion was then made by Mr. [Thomas] Burke, seconded by Mr. [James] Duane, after the words "seas "of North America," to insert, "within the restrictions "of the law and custom of nations for preventing con- "traband." And on the question, Shall those words be inserted, the yeas and nays being required by Mr. [John] Jay,

New Hampshire,		
Mr. Whipple,	no	no
Massachusetts Bay,		
Mr. Gerry,	no	no
Lovell,	ay	
Holten,	no	
Rhode Island,		
Mr. Ellery,	no	no
Marchant,	no	
Collins,	no	
Connecticut,		
Mr. Sherman,	no	no
Huntington,	no	
Spencer,	no	
New York,		
Mr. Jay,	ay	ay
Duane,	ay	
Morris,	ay	
Lewis,	no	
New Jersey,		
Mr. Scudder,	ay	div.
Fell,	no	
Pennsylvania,		
Mr. Armstrong,	no	no
Shippen,	no	
Searle,	no	
Muhlenberg,	no	
M'Lene,	no	
Delaware,		
Mr. M'Kean,		no
Maryland,		
Mr. Carmichael,	ay	ay
Jenifer,	ay	
Virginia,		
Mr. Smith,	ay	ay
Griffin,	ay	
Fleming,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Burke,	ay	
South Carolina,		
Mr. Laurens,	no	div.
Drayton,	ay	

So it passed in the negative.

A motion was made by Mr. [Gouverneur] Morris, seconded by Mr. [Thomas] M'Kean, to strike out the words "preserving inviolate the treaties between France "and the United States."[1]

[1] These proceedings were entered only in the manuscript Secret Journals, Foreign Affairs.

The Committee on Indian Affairs, to whom were referred a letter from General Schuyler of the 30th of May, and a letter from James Deane of the 20th of May, beg leave to report the following resolution:

Resolved, That the Commissioners for Indian Affairs for the Northern Department, in concurrence with the Commander in Chief, be authorised to exchange, or release, the Onondaga and the other Indian Prisoners of the Six Nations, on such terms as they shall judge for the advantage of the United States: And whereas, after repeated acts of unprovoked Hostility and depredation upon the Frontiers of these United States, the Six Nations were assured at several Treaties held by the Commissioners of Congress at Albany, Johnstown and the German Flatts that ample satisfaction should be exacted for future offences; and several of the said Tribes having nevertheless in violation of these solemn Treaties and engagements, joined our enemies and destroyed a number of our citizens and plundered their substance and particularly laid waste the Settlements of Cherry Valley, Cattes Kill the German Flatts, Hendersonton and Springfield in the state of New York and obliged the militia of the said State to undergo constant military duty to protect their remaining frontiers:

And whereas some of the said Tribes have sued for peace and forgiveness, and it is probable from the present operations that the rest may be induced to the same temper: and experience having shewn that a further security than verbal engagements is necessary to hold the said nations to their Treaties, and restrain them from wanton bloodshed and devastation:

Resolved, therefore, that the Commissioners of Indian Affairs for the Northern Department, in concurrence with the Commander in Chief, and the executive authority of the State of New York, be directed and authorized on a pacification with the Six Nations, or any one of them, to insist upon and obtain such satisfaction for past and such security against future injuries and depradations as they shall judge reasonable and expedient.[1]

Adjourned to 10 oClock on Monday.

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 166, folio 453. It is endorsed as presented June 20.

MONDAY, JUNE 21, 1779

The committee to whom was referred the warrant on the treasurer in favour of Styner and Cist, in which a mistake was discovered, brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Styner and Cist, in full for the ballance of their account, for the sum of nine hundred and seventy one dollars.

The committee to whom was referred a letter from William Killen, Esq. with sundry depositions inclosed, having considered the evidence contained in those papers, and in several others which they have collected, report thereon,

"That a certain Henry O'Hara, who has acted as a deputy quartermaster general in the Delaware State, appears to have been guilty of great frauds in the execution of that office." Whereupon,

Resolved, That all the papers before mentioned be transmitted to the president of the State of Delaware, and that he be requested to order a prosecution immediately to be commenced and carried on against the said Henry O'Hara at the expence of the United States.[1]

A petition from the surgeons of the American navy was read:

Ordered, That it be referred to the Marine Committee.

A petition from Peter Laporte, Captain of the sloop *Le Saint Pierre,* and Francis Laporte, his mate, was read:

Ordered, That it be referred to the Committee of Commerce.

The Board of War report, that as the plan of raising a corps of German deserters is laid aside, there is no prospect of employing Lieutenant Colonel Klein with advantage to the United States, and that the men of that corps are now reduced to a serjeant and four privates; Whereupon,[2]

[1] This report, in the writing of John Dickinson, is in the *Papers of the Continental Congress,* No. 19, III, folio 363.

[2] This report is in the *Papers of the Continental Congress,* No. 147, III, folio 321.

Resolved, That Lieutenant Colonel Klein be informed, that although Congress have a high sense of his zeal, yet as he cannot be usefully employed in the service of the United States, he has permission to retire therefrom.

Resolved, That Lieutenant Colonel Klein receive one year's pay and subsistance, to enable him to return to Europe.

Resolved, That the non-commissioned officers and privates of the intended corps of German volunteers be transferred to the corps commanded by Colonel Armand.

Congress proceeded to the consideration of the subject of finance, and some time being spent thereon,

Adjourned to 10 oClock to Morrow.

TUESDAY, JUNE 22, 1779

Mr. [Nathaniel] Peabody, a delegate from the State of New Hampshire, attended, and produced the credentials of his appointment, which were read, as follows:

STATE OF NEW HAMPSHIRE.

In the House of Representatives, Exeter, April 3, 1779.

Voted, That Nathaniel Peabody and Woodbury Langdon, Esquires, be and hereby are appointed delegates to represent this state in the Congress of the United States of America, in the room and stead of the honorable Josiah Bartlett and John Wentworth, Junior, Esquires, who have resigned.

Sent up for concurrence.

JOHN LANGDON, *Speaker.*

In council the same day, read and concurred,

M. WEARE, *President.*

A true copy attest E. THOMPSON, *Secretary.*

A letter, of 13, from Colonel W. Malcom, was read:[1]

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

A letter, of 21, from J. Reed, president of the State of Pennsylvania, was read, informing, that the inhabitants of

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XV, folio 465.

the town of York, in this State, having complained to the council of John M'Callister, a deputy commissary of issues, and forwarded sundry affidavits taken in his presence, from which he appears to have been guilty of peculation and embezzlement of the public stores and provisions, the council have, agreeable to the resolves of Congress, suspended him from pay and employment until Congress shall take farther order respecting him; Whereupon,[1]

On motion of Mr. [Gouverneur] Morris, seconded by Mr. [Elbridge] Gerry,

Resolved, That the thanks of Congress be presented to the president and executive council of the State of Pensylvania, for their vigilance and attention, and that they be requested to cause a prosecution to be commenced against the said John M'Callister, at the expence of the United States.

A letter, of 9th, from James Avery, and one, of 1st, from J. Allan, at Machias, were read, enclosing sundry papers relative to the Indians in the eastern department:[2]

Ordered, That the same be referred to the Committee on Indian Affairs.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Frederick Bicking, for five thousand dollars, on account of making paper for the public service, for which he is to be accountable.

Resolved, That a warrant issue on the Treasurer in favour of Major Des Epinier for 500 guineas or a like sum in other specie advanced on the application of Genl Washington, for public service, he to be accountable, and that Major Des Epinier's receipt of the 19th instant for that sum be-

[1] This letter is in the *Papers of the Continental Congress*, No. 69, II, folio 73.

[2] Avery's letter is in the *Papers of the Continental Congress*, No. 58, folio 47; that of Allan, in No. 78, I, folio 279.

ing annexed to this Warrant, be the Treasurer's voucher for Payment of the same.[1]

That a warrant issue on the treasurer, in favour of Major General Greene, quartermaster general, on the application of Charles Pettit, assistant quartermaster general, for five million dollars, for the use of his department, for which the said quartermaster general is to be accountable.[2]

Resolved, That Thursday next be assigned for the election of a cloathier general.

Peter Wykoff was nominated for that office by Mr. [John] Armstrong, and Mr. [Nathaniel] Scudder; and Peter Fell, by Mr. [James] Duane.

Congress proceeded to the election of a commissioner for the Board of War; and, the ballots being taken, Major General W. Heath was elected, ‖ having been previously nominated by Mr. [William] Ellery.¶

According to the order of the day, Congress proceeded to the consideration of the report of the Board of War of the 17th; Whereupon,

AT A BOARD OF WAR, *June 17, 1779.*

Present Col. Pickering and M^r. Peters.

The Board beg leave to report the following resolutions:

Whereas Congress are informed that their resolve of the 15^th^ of March last, for crediting the States affected thereby with the men enlisted into Corps not being on the establishment of any particular State, has in some instances been misunderstood,

Resolved, That it was not the intention of Congress in their resolution of the 15^th^ of March, for crediting the quotas of the States for any of their inhabitants enlisted in the Artillery, Horse or additional Battalions, that the numbers so enlisted into these extra corps should be deducted from the complements of the State Battalions.

[1] This report, dated June 21, is in the *Papers of the Continental Congress*, No. 136, III, folio 403. The last paragraph is taken from the original report, and marked as agreed to on June 22.

[2] This report, dated June 18, is in the *Papers of the Continental Congress*, No. 136, III, folio 399.

That in consideration of their extra duty as Brigade Inspectors the Majors of Brigade receive forty four dollars pr month in addition to their regimental Pay.

Ordered, That so much of the said report as relates to the resolution of March 15, 1779, together with the said resolution, be referred to a committee of three:

The members chosen, Mr. [Gouverneur] Morris, Mr. [Roger] Sherman, and Mr. [William] Ellery.

Resolved, That in consideration of their extra duty, majors acting as brigade inspectors, and majors of brigade, receive 44 dollars per month, in addition to their regimental pay.

Whereas numbers of soldiers from an early zeal in the cause of their Country, both honorable to them and advantageous to those States, have enlisted during the war at bounties much inferior to those now given to persons engaging in the army,

Resolved, That Congress entertain a grateful sense of the virtue and services of those faithful and zealous soldiers who, at an early period, engaged in the armies of these states during the war; and to encourage a continuance of their exertions, and as far as circumstances admit, to put them on a footing in pecuniary matters with other soldiers, General Washington be empowered to order a gratuity of one hundred dollars each, to be paid to the men so inlisted during the war; this gratuity to be paid only to such soldiers as inlisted before the 23 day of January, 1779.

Resolved, That the adjutant general for the time being, be also assistant inspector general.[1]

The committee to whom was referred the letter of May 20, from General Parsons, brought in a report; Whereupon,

Resolved, That it be recommended to the legislative and executive powers in the several states, more especially those that are adjacent to Long Island and other places in possession of the enemy, to take the most effectual measures to

[1] This report is in the *Papers of the Continental Congress,* No. 147, III, folio 453.

prevent plundering the inhabitants of such places, and all officers of the army are directed to use their utmost exertions to prevent such practices.

A memorial from the Minister Plenipotentiary of France, was read, accompanied with a commission by him given to the Sieur de St. Hilaire, of vice consul for the port of Alexandria, in Virginia, desiring that the same may be made known:

Ordered, That it be referred to the Marine Committee, and that they take order thereon.

Another memorial from the said Minister was read, accompanied with two memorials relative to violence of which divers subjects of his most Christian Majesty complain:

Ordered, That the same be referred to the Marine Committee.

Adjourned to 10 oClock to morrow.

WEDNESDAY, JUNE 23, 1779

A memorial from the reverend Robert McMurdie was read:

Ordered, That the same, together with the letter, of 22 May, from Mr. Rogers be referred to the Board of War.

A remonstrance from the legislative council and general assembly of the State of New Jersey was read:[1]

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

The members chosen, Mr. [Roger] Sherman, Mr. [Gouverneur] Morris, and Mr. [Nathaniel] Scudder.

A petition of Archibald William Yard, of Trenton, was read, with sundry papers enclosed:

Ordered, That the same be referred to the Board of Treasury.

[1] The memorial, dated the 21st, is in the *Papers of the Continental Congress*, No. 42, V, folio 134; the remonstrance is in No. 68, folio 455.

A memorial from the hon[ble] Sr. Gérard, minister plenipotentiary of France, was read, respecting the powers of consuls and vice consuls:[1]

Ordered, That the same be referred to the committee appointed to settle the powers and privileges of consuls.

Another memorial from the said Minister was read:

Ordered, That it be referred to the committee for superintending the departments of the quartermaster and commissary general.

The delegates of North Carolina laid before Congress sundry resolutions of the general assembly of that State, which were read:

Ordered, That so much as relates to money be referred to the Board of Treasury; that so much as relates to the troops of that State be referred to the Committee of Conference.

Congress proceeded to the consideration of the subject of finance, and an amendment having been adopted, by inserting after the word "same," the words "until some more accurate standard of value can be devised,"

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [James] Duane, to re-consider the motion for inserting those words; and on the question for re-considering, the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,			*Connecticut*,		
Mr. Whipple,	no	no	Mr. Sherman,	no	no
Peabody,	no		Huntington,	no	
Massachusetts Bay,			Spencer,	no	
Mr. Gerry,	ay	no	*New York*,		
Lovell,	no		Mr. Jay,	no	no
Holten,	no		Duane,	ay	
Rhode Island,			Lewis,	no	
Mr. Ellery,	ay	no	*New Jersey*,		
Marchant,	no		Mr. Scudder,	ay	div.
Collins,	no		Fell,	no	

[1] This memorial is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 228.

Pennsylvania,		
Mr. Armstrong,	no	no
Shippen,	no	
Muhlenberg,	no	
M'Lene,	ay	
Delaware,		
Mr. Dickinson,	no	no
M'Kean,	no	
Maryland,		
Mr. Paca,	no	no
Carmichael,	no	
Henry,	no	
Jenifer,	no	
Virginia,		
Mr. Smith,	no	no
Griffin,	no	
Fleming,	no	
North Carolina,		
Mr. Penn,	no	no
Burke,	no	
South Carolina,		
Mr. Laurens,	ay	div.
Drayton,	no	

So it passed in the negative.

On the question to agree to the proposition as amended, the yeas and nays being required by Mr. [Meriwether] Smith,

New Hampshire,		
Mr. Whipple,	no	no
Peabody,	no	
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	no	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	no	ay
Marchant,	ay	
Collins,	ay	
Connecticut,		
Mr. Sherman,	ay	ay
Huntington,	ay	
Spencer,	no	
New York,		
Mr. Jay,	ay	ay
Duane,	ay	
Morris,	ay	
Lewis,	no	
New Jersey,		
Mr. Scudder,	no	div.
Fell,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Shippen,	no	
Muhlenberg,	ay	
M'Lene,	ay	
Delaware,		
Mr. Dickinson,	ay	ay
M'Kean,	ay	
Maryland,		
Mr. Paca,	no	no
Carmichael,	ay	
Henry,	no	
Jenifer,	no	
Virginia,		
Mr. Smith,	no	no
Griffin,	no	
Fleming,	no	
North Carolina,		
Mr. Penn,	ay	div.
Burke,	no	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	

So it was resolved in the affirmative.

That when the interest on monies which have been or may be placed in the several loan offices on or after the first day of March, 1778, shall become due and be paid, the same, until some more accurate standard of value can be devised, shall be increased in proportion to the increase of the sum of continental paper money which may be in circulation after the dates of such loans respectively.

A motion was made by Mr. [Gouverneur] Morris, seconded by Mr. [Roger] Sherman, to reconsider the sixth resolution passed on the 11th, viz.

"That each lender shall have his election either to receive the principal at the expiration of three years from the date of the loan, or to continue it in the funds on interest until the whole amount of continental bills circulating at the time of the loan shall be diminished one-eighth part at the least."

Question put, resolved in the affirmative.

A motion was then made by Mr. [Roger] Sherman, seconded by Mr. [Gouverneur] Morris, to strike out the words "shall be diminished one-eighth part at the least;" and after the word "circulating," insert the words "shall not exceed the sum in circulation."

On the question, shall the words moved to be struck out stand? The yeas and nays being required by Mr. [Nathaniel] Scudder,

New Hampshire,			*Connecticut,*		
Mr. Whipple,	no	no	Mr. Sherman,	no	no
Peabody,	no		Huntington,	no	
Massachusetts Bay,			Spencer,	no	
Mr. Gerry,	no	no	*New York,*		
Lovell,	no		Mr. Jay,	no	no
Holten,	no		Duane,	ay	
Rhode Island,			Morris,	no	
Mr. Ellery,	no	no	*New Jersey,*		
Marchant,	no		Mr. Scudder,	ay	div.
Collins,	no		Fell,	no	

Pennsylvania,		
Mr. Armstrong,	no	no
Muhlenberg,	no	
M'Lene,	no	
Maryland,		
Mr. Paca,	ay	no
Carmichael,	no	
Henry,	no	
Jenifer,	no	
Virginia,		
Mr. Smith,	no	*
Fleming,	no	
North Carolina,		
Mr. Penn,	no	no
Burke,	no	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	

So it passed in the negative, and the words were struck out:

Question put for inserting the words moved to be inserted: resolved in the affirmative.

On the question to agree to the proposition as amended, the yeas and nays being required by Mr. [Gouverneur] Morris,

New Hampshire,		
Mr. Whipple,	ay	ay
Peabody,	ay	
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Collins,	ay	
Connecticut,		
Mr. Sherman,	ay	ay
Huntington,	ay	
Spencer,	ay	
New York,		
Mr. Jay,	no	no
Duane,	ay	
Morris,	no	
New Jersey,		
Mr. Scudder,	no	div.
Fell,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Shippen,	ay	
Muhlenberg,	ay	
M'Lene,	ay	
Delaware,		
Mr. Dickinson,	ay	ay
M'Kean,	ay	
Maryland,		
Mr. Paca,	ay	ay
Carmichael,	ay	
Henry,	ay	
Jenifer,	no	
Virginia,		
Mr. Smith,	no	no
Griffin,	ay	
Fleming,	no	
North Carolina,		
Mr. Penn,	ay	ay
Burke,	ay	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	

So it was resolved in the affirmative.

Adjourned to 10 oClock to Morrow.

THURSDAY, JUNE 24, 1779

Mr. [John] Penn, a delegate of North Carolina, laid before Congress the credentials of his re-appointment which were read, as follows:

STATE OF NORTH CAROLINA.

IN GENERAL ASSEMBLY, *May 10th, 1779.*

Resolved, That John Penn and Cornelius Harnett, Esquires, Delegates appointed by the present General Assembly to represent this State in Congress the ensuing Year, in conjunction with Whitmill Hill, Thomas Burke, Joseph Hewes and William Sharpe, Esquires, be, and they are hereby invested with the same powers and authorities that the delegates appointed by the last General Assembly of this State were invested with.

Extract from the Journal.

J. GLASGOW, *Secretary.*[1]

On motion of Mr. [William Henry] Drayton, seconded by Mr. [Gouverneur] Morris,

Resolved, That Sunday the 4 day of July, being the anniversary of the declaration of the independence of these United States, the chaplains of Congress be requested to prepare sermons suitable to the occasion: a farther motion was made,

That the President cause an entertainment to be prepared on the 5th of July, in celebration of the independence of these United States; on which the yeas and nays being required by Mr. [Henry] Marchant,

New Hampshire,			*Rhode Island,*		
Mr. Whipple,	no	no	Mr. Ellery,	ay	ay
Peabody,	no		Marchant,	no	
Massachusetts Bay,			Collins,	ay	
Mr. Lovell,	ay	*			
Holten,	ay				

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

Connecticut,			*Delaware,*		
Mr. Sherman,	no	no	Mr. M'Kean,	ay	ay
Huntington,	no		*Maryland,*		
Spencer,	no		Mr. Paca,	ay	ay
New York,			Henry,	ay	
Mr. Jay,	ay	ay	Jenifer,	ay	
Morris,	ay		*Virginia,*		
Lewis,	no		Mr. Smith,	ay	*
New Jersey,			Fleming,	ay	
Mr. Scudder,	no	no	*North Carolina,*		
Fell,	no		Mr. Penn,	ay	ay
Pennsylvania,			Burke,	ay	
Mr. Armstrong,	no	ay	Sharpe,	no	
Shippen,	no		*South Carolina,*		
Searle,	ay		Mr. Laurens,	no	div.
Muhlenberg,	ay		Drayton,	ay	
M'Lene,	ay				

So it was resolved in the affirmative.

Resolved, That a committee of three be appointed to assist the President in regulating the said entertainment:

The members chosen, Mr. [James] Searle, Mr. [James] Lovell, and Mr. [William] Paca.

According to the order of the day, Congress proceeded to the election of a clothier general; and, the ballots being taken, Mr. Peter Wikoff was elected.

Congress proceeded to the consideration of the report of the committee on the letters from A. Lee, Esq. and the communications of the Minister Plenipotentiary of France, and some time being spent thereon,

On the question, Shall the words moved to be struck out, stand, the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,		
Mr. Whipple,	ay	ay
Peabody,	ay	
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery	ay	ay
Marchant,	ay	
Collins,	ay	
Connecticut,		
Mr. Sherman,	ay	
Spencer,	ay	
New York,		
Mr. Jay,	ay	ay
Duane,	ay	
Morris,	no	
Lewis,	ay	
New Jersey,		
Mr. Scudder,	ay	ay
Fell,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Shippen,	ay	
Searle,	ay	
Muhlenberg	ay	
McLene,	ay	
Delaware,		
Mr. Dickinson,	ay	ay
M'Kean,	ay	
Maryland,		
Mr. Carmichael,	ay	ay
Henry,	ay	
Jenifer,	ay	
Virginia,		
Mr. Smith,	ay	ay
Griffin,	ay	
Fleming,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Burke,	no	
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	

So it was resolved in the affirmative.

A motion was made by Mr. [Thomas] Burke, seconded by Mr. [John] Dickinson, after the words "North America," to insert, "As near the coasts of the territo- "ries which shall remain in the possession of other "nations, after the conclusion of the present war, as is "permitted to any free and independent people." And on the question to agree to this amendment, the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,		
Mr. Whipple,	no	no
Peabody,	no	
Massachusetts Bay,		
Mr. Gerry,	no	no
Lovell,	no	
Holten,	no	
Rhode Island,		
Mr. Ellery,	no	no
Marchant,	no	
Collins,	no	
Connecticut,		
Mr. Sherman,	no	no
Huntington,	no	
Spencer,	no	
New York,		
Mr. Jay,	ay	ay
Duane,	ay	
Morris,	no	
Lewis,	ay	
New Jersey,		
Mr. Scudder,	no	no
Fell,	no	
Pennsylvania,		
Mr. Armstrong,	no	no
Shippen,	no	
Searle,	no	
Muhlenberg,	no	
M'Lene,	no	
Delaware,		
Mr. Dickinson,	ay	div.
M'Kean,	no	
Maryland,		
Mr. Paca,	ay	ay
Carmichael,	ay	
Henry,	ay	
Jenifer,	ay	
Virginia,		
Mr. Smith,	ay	*
Fleming,	no	
North Carolina,		
Mr. Penn,	no	ay
Burke,	ay	
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	no	div.
Drayton,	ay	

So it passed in the negative.

A motion was made by Mr. [Thomas] Burke, seconded by Mr. [William Henry] Drayton, to strike out the words "continue to." And on the question, Shall the words stand, the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,			*Delaware,*		
Mr. Whipple,	ay	ay	Mr. Dickinson,	no	div.
Peabody,	ay		M'Kean,	ay	
Massachusetts Bay,			*Maryland,*		
Mr. Gerry,	ay	ay	Mr. Paca,	no	no
Lovell,	ay		Carmichael,	no	
Holten,	ay		Henry,	no	
Rhode Island,			Jenifer,	no	
Mr. Ellery,	ay	ay	*Virginia,*		
Marchant,	ay		Mr. Smith,	no	no
Collins,	ay		Griffin,	no	
Connecticut,			Fleming,	no	
Mr. Sherman,	ay	ay	*North Carolina,*		
Huntington,	ay		Mr. Penn,	no	no
Spencer,	ay		Burke,	no	
New York,			*South Carolina,*		
Mr. Jay,	no	no	Mr. Laurens,	ay	div.
Duane,	ay		Drayton,	no	
Morris,	no				
Lewis,	no				
New Jersey,					
Mr. Scudder,	ay	div.			
Fell,	no				
Pennsylvania,					
Mr. Armstrong,	ay	ay			
Shippen,	ay				
Searle,	ay				
Muhlenberg,	ay				
M'Lene,	ay				

So it was resolved in the affirmative.

A motion was made by Mr. [John] Dickinson, seconded by Mr. [William] Carmichael, to insert the word "all," before "these United States." On which, the yeas and nays being required by Mr. [William Henry] Drayton,

New Hampshire,			*Massachusetts Bay,*		
Mr. Whipple,	ay	ay	Mr. Gerry,	ay	ay
Peabody,	ay		Lovell,	ay	
			Holten,	ay	

Rhode Island,		
Mr. Ellery,	ay	ay
Marchant,	ay	
Collins,	ay	
Connecticut,		
Mr. Sherman,	no	ay
Huntington,	ay	
Spencer,	ay	
New York,		
Mr. Jay,	no	div.
Duane,	ay	
Morris,	no	
Lewis,	ay	
New Jersey,		
Mr. Scudder,	ay	ay
Fell,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Shippen,	ay	
Searle,	ay	
Muhlenberg,	ay	
M'Lene	ay	
Delaware,		
Mr. Dickinson,	ay	ay
M'Kean,	ay	
Maryland,		
Mr. Paca,	ay	ay
Carmichael,	ay	
Henry,	ay	
Jenifer,	ay	
Virginia,		
Mr. Smith,	ay	ay
Griffin,	ay	
Fleming,	no	
North Carolina,		
Mr. Penn,	ay	ay
Burke,	ay	
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	no	no
Drayton	no	

So it was resolved in the affirmative.

On the question to agree to the proposition as amended, the yeas and nays being required by Mr. [William] Ellery,

New Hampshire,		
Mr. Whipple,	ay	ay
Peabody,	ay	
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Marchant,	ay	
Collins,	ay	
Connecticut,		
Mr. Sherman,	ay	ay
Huntington,	ay	
Spencer,	ay	
New York,		
Mr. Jay,	no	no
Duane,	ay	
Morris,	no	
Lewis,	no	

New Jersey,			*Virginia,*		
Mr. Scudder,	ay	div.	Mr. Smith,	no	no
Fell,	no		Griffin,	no	
Pennsylvania,			Fleming,	no	
Mr. Armstrong,	ay	ay	*North Carolina,*		
Shippen,	ay		Mr. Penn,	no	no
Searle,	ay		Burke,	no	
Muhlenberg,	ay		Sharpe,	no	
M'Lene,	ay		*South Carolina,*		
Delaware,			Mr. Laurens,	ay	div.
Mr. Dickinson,	no	div.	Drayton,	no	
M'Kean,	ay				
Maryland,					
Mr. Paca,	no	no			
Carmichael,	no				
Henry,	no				
Jenifer,	no				

So it was resolved, That it is essential to the welfare of all these United States, that the inhabitants thereof, at the expiration of the war, should continue to enjoy the free and undisturbed exercise of their common right to fish on the banks of Newfoundland, and the other fishing banks and seas of North America, preserving inviolate the treaties between France and the said states.[1]

Adjourned to 10 oClock to Morrow.

FRIDAY, JUNE 25, 1779

The committee, to whom was referred the memorial of Azariah Horton, deputy commissary general of musters, brought in a report, which was read:

The Committee, to whom the Memorial of Azariah Horton was committed, Report:

[1] These proceedings and votes were entered only in the manuscript Secret Journal, Foreign Affairs.

That the pay of the Commissary General of Musters should be 200 dollars per month, to commence the 11th May, 1779, 40 dollars per month subsistence and forage for two horses.

The pay of a Deputy Commissary General of Musters be 140 per month, to commence on the day above mentioned, 30 dollars per month subsistence and forage for two horses.

The pay of a Deputy Commissary of Musters be one hundred dollars per month, subsistence 25 dollars per month and forage for one horse.

That when the mustering officers are sent on separate tours of duty three dollars per day for travelling expenses be allowed them respectively in addition to their pay. Such officers producing certificates from the Commissary General of Musters setting forth the tour of duty each officer had been sent on and the number of days he was in performing the duty from the beginning of his Journey to the day of his return.

That the officers in the mustering Department be entitled to draw one complete suit of clothing one very 1st day of August on the same terms as officers of the line draw clothing.

That the officers of the said Department be entitled to half pay, after the end of the war, as officers of the Line are to enjoy, according to their several ranks.

And also to land in the same proportion, viz. Commissary General of Musters the quota of a Colonel; Deputy Commissary General of Musters the quota of a Lieutenant Colonel; Deputy Commissary of Musters the quota of a Major.[1]

Ordered, That it be recommitted, and that the committee write to the Commander in Chief on the subject of the muster master's department.

Congress proceeded to the consideration of the subject of finance, when a motion was made by Mr. [Roger] Sherman, seconded by Mr. [Elbridge] Gerry, to re-consider the 8th resolution passed the 11th inst. viz.

"That the securities to be given for all sums so borrowed shall be made payable to the lender or to his special attorney, executor or administrator;"

[1] This report, in the writing of Henry Laurens, is in the *Papers of the Continental Congress*, No. 19, III, folio 183.

On the question for re-considering, the yeas and nays being required by Mr. [John] Jay,

New Hampshire,		
Mr. Whipple,	ay	ay
Peabody,	ay	
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Marchant,	ay	
Collins,	ay	
Connecticut,		
Mr. Sherman,	ay	ay
Spencer,	ay	
New York,		
Mr. Jay,	no	ay
Duane,	ay	
Lewis,	ay	
New Jersey,		
Mr. Scudder,	ay	ay
Fell,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Searle,	ay	
Muhlenberg,	ay	
M'Lene,	ay	
Delaware,		
Mr. Dickinson,	ay	ay
Maryland,		
Mr. Paca,	no	no
Carmichael,	no	
Henry,	no	
Jenifer,	no	
Virginia,		
Mr. Griffin,	ay	*
Fleming,	no	
North Carolina,		
Mr. Penn,	no	no
Burke,	no	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	

So it was resolved in the affirmative.

On motion of Mr. [Roger] Sherman, seconded by Mr. [Elbridge] Gerry,

Resolved, That the said resolution be repealed.

Ordered, That loan office certificates for borrowing twenty million dollars, agreeably to the resolution of the 11th inst. be prepared and sent to the several loan offices, under the direction of the Board of Treasury, and consist of such denominations as they shall judge expedient.

Adjourned to 10 oClock to Morrow.

SATURDAY, JUNE 26, 1779

A letter, of 25, from Alexander Henderson, deputy commissary of military stores, was read, desiring leave to resign his commission:

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

A petition from Herman Baron Zedtwitz was read:[1]

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

The Board of War, to whom was referred the memorial of the reverend Mr. McMurdie, complaining of the appointment of the reverend Mr. Rogers to be chaplain of the third Pensylvania brigade as an injury done to him, report That they have conferred with Mr. McMurdie on the subject of his memorial, and that Mr. McMurdie has, in the opinion of the Board, assigned no sufficient reason to induce them to recommend a repeal of the appointment of Mr. Rogers; Whereupon,

Resolved, That Mr. M'Murdie be informed, that as there is no vacancy for a chaplain in the Pensylvania brigades, no appointment as such can be given to him.[2]

The Committee on the Treasury, to whom was referred the deposition of James Skinner, an inhabitant of Yogheoganey, in Virginia, brought in a report; Whereupon,

TREASURY OFFICE, *June 22nd, 1779*

The Committee on the Treasury having taken into consideration a deposition of James Skinner an Inhabitant of Youghneagana County, in the State of Virginia, dated the 21st instant, by which it appears that he left home about the 20th May last for Philadelphia, in order to exchange at the Continental Loan Office, which is nearer to the place of his residence than the Loan Office of said State, the

[1] Henderson's letter is in the *Papers of the Continental Congress*, No. 78, XI, folio 433; the petition of Zedtwitz, dated June 22, is in No. 41, X, folio 737.

[2] This report, dated June 24 (present, Pickering and Peters), is in the *Papers of the Continental Congress*, No. 147, III, folio 469.

sum of 1183 dollars of the Emissions of May 20, 1777, and April 11, 1778, but was prevented by the loss of his horse and by sickness from arriving in Philadelphia before the 21st instant; and also that none of the said bills were obtained at a Discount, beg leave to offer the following resolution:

Resolved, That Thomas Smith, Esq. commissioner of the continental loan office of Pensylvania, be directed to receive of the said James Skinner, eleven hundred and eighty three dollars, of the emissions of May 20th, 1777, and April 11, 1778, which he brought from home about the 20th of last month, and which by sickness and other unavoidable accidents on his journey, he was prevented from bringing to the office before the 1st instant; and issue loan office certificates or indented receipts for the same, as the said James Skinner shall judge expedient.[1]

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of George Bond, Thomas Edison, Joshua Coit, and Charles Morse, clerks in the Secretary's office, for one thousand and eighty dollars, advanced to each of them respectively; for which they are to be accountable.

That a warrant issue on the treasurer, in favour of Robert Troup, secretary to the Board of Treasury, for one thousand dollars, advanced to defray the contingent expences of the treasury; for which he is to be accountable.[2]

That a warrant issue on the treasurer, in favour of Cornelius Comegys, one of the clerks in the chamber of accounts, for one thousand and eighty dollars, advanced him; for which he is to be accountable.[3]

[1] This report is in the *Papers of the Continental Congress*, No. 136, III, folio 409.

[2] This report, dated June 22, is in the *Papers of the Continental Congress*, No. 136, III, folio 405. It also contained the paragraphs on Israel Morris, printed this day.

[3] This report, dated June 24, is in the *Papers of the Continental Congress*, No. 136, III, folio 413.

That a warrant issue on the treasurer, in favour of James Milligan, Esq. one of the commissioners of accounts, at the treasury, for three thousand dollars, to defray his expences to Charlotteville, in the State of Virginia, on public business; for which he is to be accountable.[1]

The Committee on the Treasury, to whom was re-committed their report of the 15th instant on a letter of the 2nd from General Smallwood to the Honorable Mr Paca, having according to order reconsidered the same, beg leave to report the following resolution:

That a warrant issue on the treasurer, in favour of the delegates of Maryland, for nine thousand seven hundred and thirty six dollars, in exchange for a like sum of the emissions of May 20, 1777, and April 11, 1778, transmitted Brigadier Smallwood by the State of Maryland, and which previous to the 1st instant he tendered to General Washington to repay the money advanced by him to the said Brigadier for the recruiting service.[2]

Resolved, That Archibald William Yard, of Trenton, be referred for the adjustment of his account to Jonathan Trumbull, Jun. Esq. commissioner for adjusting the accounts of the late commissary general, Joseph Trumbull, Esq. deceased.[3]

The Committee on the Treasury having according to order taken into consideration the memorial of Israel Morris Jun., an Assistant Purchasing Commissary in West New Jersey, and the several papers accompanying the same, referred to them by Congress, and having taken the deposition of the said Israel Morris for the further confirmation of the facts set forth in the said memorial, are of opinion that the said facts are well supported and that it is reasonable that

[1] A paragraph from a report of the Board of Treasury, dated June 25, in the *Papers of the Continental Congress*, No. 136, III, folio 421.

[2] This report, dated June 26, is in the *Papers of the Continental Congress*, No. 136, III, folio 425.

[3] This resolution is based upon a paragraph in a report of the Board of Treasury, dated June 25, in the *Papers of the Continental Congress*, No. 136, III, folio 421. Yard was a baker.

the prayer of the said memorial should be granted, and therefore beg leave to Report the following resolution:

Resolved, That on the settlement of the accounts of Israel Morris, Jun. assistant commissary of purchases, there be allowed to him the sum of one thousand and seventy eight pounds, New Jersey currency, equal to two thousand eight hundred and seventy four dollars and 60/90ths, for seventy cattle purchased by him for the use of the army of the United States, the receipts and vouchers for which were destroyed by the enemy as appears by sufficient proof exhibited at the Board of Treasury.

The Committee on the Treasury having taken into consideration a letter and order of the honourable council of the State of Massachusetts bay of the 8th of June, instant containing their opinion in consequence of the request of Congress, on a proper allowance to be made to Jonathan Loring Austin, for his services and expences in carrying despatches and transacting business in France, and on the mode of payment, report,

That agreeable to the opinion of the said Board, the commissioners of these United States at Paris, be directed to discharge the account of Mr. Austin with the late house of Messrs. Plearne, Pennet, & Co. in Nantz, to the amount of six thousand four hundred livres, and to charge the same to these United States, together with the further sum of one hundred and thirty louis d'ors, advanced him by the said commissioners, as set forth in his memorial to Congress, in full compensation for his time and services aforesaid.

Resolved, That Congress agree to the said report.

Ordered, That so much of the report of the Board of Treasury as relates to a farther allowance of time for bringing in bills of the emissions of May 20, 1777, and April 11, 1778, and so much as relates to a farther allowance to the commissioners for destroying bills taken out of circulation, be recommitted.

The committee, to whom was referred the memorial of John Garcia Duarti, brought in a report, which was read.

The Committee to whom was referred the Memorial of John Garcia Duarti, Captain and Commander of the Snow *"Our lady of Mount Carmel and Saint Antonio"* report:

That in consequence of certain representations made, Congress did, on the 11th of May, 1778, and on the 19th of February, 1779, enter into several resolutions respecting the said Snow and her cargo, *to which your Committee beg that reference may now be had and* from which it appears,

1st That the Board of War of Massachusetts were requested to make sale of said Snow and her cargo for the benefit of the rightful owners thereof;

2nd That the said owners were to be informed through the Commissioner of these United States at the Court of his Most Christian Majesty, of the proceedings of a Court of Admiralty relative to said Snow, and of the Resolves of the 11th of May respecting the sale of her, in order that said owners might personally or by their lawful Attorney appear, demand and receive the monies thence arising,

3rd That the Board of War of Massachusetts Bay have been ordered to pay the net proceeds of the said Snow and Cargo, and also to deliver the unsold effects in their charge to the owner or owners of the said Snow and cargo, his or their order, or certain Attorney; and that they should inform such owner or Attorney, that remedy might be had at law, against the Captors, or their owners, for any special damages arising from the capture of said Snow.

Whereupon your Committee are of opinion, That for the present it is only necessary for Congress to recommend to the Memorialist to receive the nett proceeds of the Sales and also the effects aforesaid, and to take his remedy at law for any Special damages arising from the capture of said Snow against the Captors or their owners.[1]

Adjourned to 10 oClock on Monday.

[1] This report, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 44, folio 1.

MONDAY, JUNE 28, 1779

A letter, of 23, from General Washington, was read.[1]

A letter, of 21, from Major General Gates, was read, enclosing copies of sundry letters that passed between him and General Washington.

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

A letter, of 19, from T. Jefferson, governor of Virignia, was read, enclosing an act of the council of that State, a copy of a letter of 29 April, from Colonel G. Clarke, and of one, of 4 June, from Colonel [Evan] Shelby: [2]

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

The members chosen, Mr. [Henry] Marchant, Mr. [John] Armstrong, and Mr. [Meriwether] Smith.

Ordered, That the said letters and papers enclosed be also referred to the Committee of Intelligence.

The Marine Committee, to whom was referred the paper signed Holker, and transmitted to Congress by the Minister of France on the 21st, respecting Francis Fleury, carried by force on board the armed ship *General Greene*, brought in a report; Whereupon,

Resolved, That a copy of the said paper be transmitted to his excellency the President and the honourable the supreme executive council of the State of Pensylvania, that justice may be done in the premisses.[3]

The committee to whom was referred the remonstrance and petition of the legislative council and general assembly of the State of New Jersey, brought in a report; Whereupon,

[1] This letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 423.

[2] Jefferson's letter is in the *Papers of the Continental Congress*, No. 71, I, folio 241; the enclosures are on folios 245, 247.

[3] This report and Holker's paper are in the *Papers of the Continental Congress*, No. 78, IX, folio 261.

Resolved, That when vacancies of commissioned officers happen in any of the regiments raised by the respective states for the continental army, notice thereof shall be given to the executive authority of the State to which the regiment belongs, by the commanding officer of such regiment, to the end that proper persons may be appointed to fill such vacancies, agreeable to the resolution of the 8th of March last, having due regard to the rules of promotion recommended by a resolution of Congress of the 24th of November, 1778.

Ordered, That a copy of this resolution be transmitted to Governor Livingston, and that he be informed, that it was judged expedient in the late arrangement of the army, to authorize the committee appointed for that purpose, in concurrence with the Commander in Chief, not only to dismiss supernumerary and unqualified officers, but to fill vacancies by promotion of good officers who had been appointed by the respective states, and stood fair for promotion in the proper line of succession; but if there has been any infringement of the right of the State of New Jersey, or any other State, by excluding good officers not supernumerary, or filling vacancies by new creations, Congress will be ever ready to redress any grievances of that kind when particularly pointed out.[1]

The committee to whom was referred the memorial of Messrs. John Cox and Charles Petit, assistant quarter masters general, report that they have come to the following resolutions thereupon, viz.

That Congress cannot in any manner controul the legislature of New Jersey in the internal police of the said State:

That every inhabitant of a State ought of right to contribute to the public exigencies thereof, in proportion to the value of his estate, real and personal, within the same, whereon or however acquired.

[1] This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 20, I, folio 313.

From this point the entries are in the writing of George Bond.

That it is not to be presumed that any citizen will be unjustly or oppressively taxed in any State, without remedy by appeal or otherwise within the same:

Set aside by previous question

And, therefore, if the memorialists, who at present are only apprehensive of injury, from information respecting the tenor of the law referred to, shall conceive themselves aggrieved by their assessment when made, that in such case they should apply to the laws and government of New Jersey for redress.[1]

Resolved, That Congress agree to the said report.

Resolved, That it be earnestly recommended to the several states by the most speedy and vigorous efforts to fill up their respective battalions agreeable to the resolution of Congress of the 9 day of March last, that nothing may be wanting on their part to render the present campaign glorious and decisive.

Ordered, That this be forwarded to the states, with an extract of General Washington's letter of the 11th instant.[2]

The delegates of Massachusetts bay laid before Congress an act of the legislature of that State, respecting their powers, which was read as follows:

STATE OF MASSACHUSETTS BAY

IN THE HOUSE OF REPRESENTATIVES, *June 10, 1779.*

Whereas inconveniences may arise in consequence of a resolve of the general court of the 15th of October last, which requires that three of the members chosen to represent this state in Congress should be present, in order to exercise the powers with which by that resolve they are vested; therefore,

Resolved, That any two of the gentlemen chosen to represent this state, or when more are present in Congress, a major part of the same be, and they are hereby empowered, for and in behalf of this state, to exercise all the powers which in the said resolve of the 15th of October

[1] This report, in the writing of Thomas McKean, is in the *Papers of the Continential Congress,* No. 19, V, folio 109.

[2] From the Secret Journals. It was entered by mistake in the general journal, but was stricken out. At this point Thomson resumes the entries.

are particularly mentioned; although it is still expected that four of the said gentlemen constantly attend upon the business of their delegation.

Sent up for concurrence,

J. HANCOCK, *Speaker.*

In council, June 15, 1779, read and concurred,

JOHN AVERY, *Deputy Secretary.*

Consented to by the major part of the council.

True copy. Attest.

JOHN AVERY, *Deputy Secretary.*

Ordered, That Mr. [Daniel of St. Thomas] Jenifer have leave of absence.

Adjourned to 10 oClock to Morrow.

TUESDAY, JUNE 29, 1779

A letter, of 19, from Ebenezer Hazard was read:[1]

Ordered, That so much thereof as relates to the Board of Treasury be referred to the Board, and the remainder to the Board of War.

A letter from Captain Colomb was read:

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

A letter, of this day, from Mr. Holker, was read:

Ordered, That it be referred to the committee on the commissary and quarter master general's departments.

A letter from Major Burchardt of the German battalion, was read, requesting leave to resign;[2]

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

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of the delegates of the State of Rhode island, for three hun-

[1] Hazard's letter is in the *Papers of the Continental Congress*, No. 61, folio 59.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, III, folio 327.

dred thousand dollars, on their application; for which the said State is to be accountable.[1]

That a warrant issue on the treasurer, in favour of Colonel W. Palfrey, paymaster general, for one hundred thousand dollars on his application, for the payment of the troops and contingent expences in the western department; and for which he is to be accountable.

That a warrant issue on the treasurer in favour of Benjamin Armitage, superintendant of the paper mills, on his application for five hundred dollars; for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Doctor John Warren, for seventeen hundred and forty three dollars and 60/90, in full of his account for the support and education of Joseph Warren, son of the late Major General Warren, to April, 1779, as allowed by the council of Massachusetts bay, and that the said sum be paid to David H. Conyngham authorised to receive the same.[2]

That a warrant issue on the treasurer, in favour of Mrs. Sarah Kennedy, widow and executrix of the late Doctor Samuel Kennedy, on her application, for five thousand dollars on account of rent for the farm and buildings used for a hospital at the Yellow Springs; for which she is to be accountable.

The board, having reconsidered their report of the 24 instant, by order of Congress, beg leave to report as follows:

Whereas the allowance of two-ninetieths parts of a dollar upon every hundred dollars, made to the commissioners for destroying bills of credit taken out of circulation by order of Congress, is, in consequence of the time which they have necessarily spent in conducting this business, inadequate to their services:

[1] This report, dated June 28, is in the *Papers of the Continental Congress*, No. 136, III, folio 429.

[2] Based upon an order of the Council of the State of Massachusetts of May 3, 1779.

Resolved, That in lieu of such allowance, the said commissioners be entitled to receive five-ninetieths parts of a dollar for every hundred dollars so destroyed; and that the allowance for future service be divided amongst them in proportion to the number of dollars which shall be counted by them respectively.

Resolved, That an additional commissioner be appointed for destroying bills as aforesaid.

The board having nominated Samuel Downe, Esq. to be appointed commissioner for destroying bills called out of circulation:[1]

Congress proceeded to the election: and, the ballots being taken, Mr. Samuel Downe was chosen.

The Committee on the Treasury, having arranged the several resolutions for borrowing twenty million dollars, reported the same for publication, as follows:

As Congress are bound by every motive of policy, and of public and private justice, to maintain the credit of the paper money emitted by their authority on the faith of the United States, so it is their intention, not only to avoid further emissions, but to diminish the quantity in circulation, provided that the respective states, by correspondent and vigorous exertions, shall put it in their power to raise the necessary supplies.

Resolved, therefore, That twenty million dollars, or such a part thereof as shall be brought into the continental loan offices on or before the first day of October next, be borrowed on the faith of the United States, at an interest of six per cent. per annum.

For facilitating the said loan,

Resolved, 1. That the loan officers in every State do immediately open subscriptions for the said loan:

[1] This report, dated June 29, is in the *Papers of the Continental Congress*, No. 136, III, folio 433. Downe's resignation because of ill health is in No. 42, II, folio 289. It is without date.

2. That the executive authorities of the several states be requested immediately to appoint persons of character and influence in every county, town or district, to receive subscriptions and transmit the same to the loan officer or officers in the states respectively.

3. That no subscription be received for less than five hundred dollars:

4. That all subscriptions under ten thousand dollars shall be paid into the loan office where the same shall be subscribed, or into the hands of the person obtaining the subscription, within fourteen days after the subscription shall be made:

5. That any person subscribing ten thousand dollars, or upwards, shall be allowed to pay the same at two periods, to wit, one half within fourteen days after the subscription, the residue on or before the first day of October next: the whole to bear interest from the time of the first payment, provided the other payment shall be punctually made.

6. That each lender shall have his election either to receive the principal at the expiration of three years from the date of the loan, or to continue it in the funds on interest until the whole amount of continental bills in circulation shall not exceed the sum in circulation at the time of the loan.

7. That interest on all sums which shall be paid into the loan office before the said first day of October, or which shall be subscribed and paid agreeably to the terms of the 5th resolution aforesaid, shall be payable annually at the continental loan office of the State in which the money was originally subscribed.

8. That when the interest on monies which have been or may be placed in the several loan offices on or after the first day of March, 1778, shall become due and be paid, the same, until some more accurate standard of value can be devised, shall be increased in proportion to the increase of the sum of

continental paper money which may be in circulation after the date of such loans respectively.

Ordered, That the loan officers transmit to the Board of Treasury monthly returns of all sums subscribed and received in their respective offices.

Ordered, That so much of the report of the Committee on the Treasury as relates to the memorial of the 9th instant, from Silas Deane, Esq. be re-committed.

The committee, to whom was referred the report of the Board of War of the 1 May last, relating to the department of military stores, report as their opinion,

That it is not expedient to raise salaries at present, when Congress are adopting measures to restore the credit of the currency; but that in consideration of the particular circumstances of that department, such temporary allowances, not exceeding three hundred dollars per month to the commissary general, one hundred and fifty dollars per month to the deputy commissary general, and to the other officers and men in the same proportion to their former pay with that of the deputy commissary general, should be made by the Board of War to the said officers and men, as will enable them to continue in the service until the further orders of Congress.

Resolved, That Congress agree to the said report.[1]

Adjourned to 10 oClock to Morrow.

WEDNESDAY, JUNE 30, 1779

A letter, of this day, from Mr. Miralles, was read, together with a petition of Joseph Faribault, late master of the brig *Minerva:*

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

[1] This resolution was entered only in the manuscript Secret Domestic Journal.

A letter, of 28, from the Board of War, was read, enclosing a letter, of 18, from T. Jefferson, governor of Virginia, and sundry other papers relative to barracks proposed to be erected at Winchester: [1]

Ordered, That the same be returned to the Board, and that they take order thereon.

The Board of War having reported that Major General Gates, and Colonel Sheppard, now commanding Brigadier Glover's brigade, have warmly recommended the reverend Mr. Van Horne for an appointment of brigade chaplain:

Resolved, That the reverend Mr. William Van Horne be appointed chaplain to the brigade now, or lately under the command of Brigadier General Glover, and that he be considered and respected as such.[2]

The committee to whom was referred a letter from Joseph Palmer, report as their opinion,

That as Congress, on the 29 day of December, 1775, earnestly recommended to the several assemblies or conventions, immediately to promote, by sufficient public encouragements, the making salt in their respective colonies, the letter from Joseph Palmer, Esq. together with his plan for making bay salt, be referred to the general assembly of the State of Massachusetts bay: [3]

Resolved, That Congress agree to the report.

A petition from a number of the inhabitants of Pensylvania, was read, respecting the removal of the continental ferry from the place where first established on the river Delaware, near Trenton: [4]

[1] The letter of Miralles is in the *Papers of the Continental Congress*, No. 78, XV, folio 469; that of the Board of War, in No. 147, III, folio 473; the letter of Jefferson is on folio 487.

[2] This report, dated June 29 (present, Pickering and Peters), is in the *Papers of the Continental Congress*, No. 147, III, folio 491.

[3] This report, in the writing of Samuel Holten, is in the *Papers of the Continental Congress*, No. 19, V, folio 7.

[4] This petition, June 15, is in the *Papers of the Continental Congress*, No. 42, VI, folio 214.

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

Congress proceeded to the consideration of the report of the Committee on the Treasury, relative to finance, and some time being spent thereon,

Adjourned to 10 oClock to Morrow.

THURSDAY, JULY 1, 1779

The Committee of Commerce laid before Congress three letters from O. Pollock at New Orleans, one of 17 February, one, of 10 April, and one, 2d May, which were read:

Ordered, That they be returned to the Committee of Commerce, and that the Committee be directed to take the most speedy and convenient measures for making remittances for such sums as may be justly due to Mr. Oliver Pollock, the continental agent at New Orleans.

Ordered, That the said Committee furnish the Marine Committee with an extract of the said letters and other papers in their possession, relative to the ship *Morris*, and that the Marine Committee take order thereon.

Ordered, That the Committee of Commerce also furnish the Board of War with an extract of so much of the said letter as relates to troops sent to Pensacola.

Three letters, of 22 June, from J. Trumbull, governor of Connecticut, were read:

Ordered, That they be referred to the Board of Treasury.

A letter, of 24, from N. Greene, quarter master general, was read:[1]

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

The members chosen, Mr. [James] Duane, Mr. [Thomas] McKean, and Mr. [Thomas] Burke.

[1] Trumbull's letters are in the *Papers of the Continental Congress*, No. 66, II, folios 15, 19, and 23; that of Greene is in No. 155, I, folio 139.

A letter, of 30th June, from Daniel Roberdeau, was read:[1]

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

A letter, of 30 June, from Benjamin Randolph, was read:

Ordered, That it be referred to the committee on the departments of the quarter master and commissary general.

A petition from Jeremiah Baker, a soldier of Captain Spaulding's company, was read, praying to be discharged on account of the distresses of his family:

Ordered, That it be referred to the Board of War, and that they take order thereon.

A petition of John Codman, was read:

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

A letter and petition of John Brown, were read:[2]

Ordered, To lie on the table.

The Board of War, to whom was referred the memorial of Major Burkhart requesting leave to resign, having reported thereon, Congress took their report into consideration; and thereupon,

AT A BOARD OF WAR, *June 30th, 1779.*

Present, Col. Pickering and Mr Peters.

The Board having considered the Memorial of Major Burkhart of the German regiment, beg leave to report:

That the regiment is one of the largest in the Army, and has no other Field Officer capable of duty in it but the Major. That the terms of enlistment of many of the men will expire this summer, and some of whom may perhaps if near the enemy be prevailed on, if not to re-enlist at least to stay some time beyond their enlistments, if they perceive their officers remain with them. That the regiment is now on its march with General Sullivan on a service not the most agreeable to many of the officers, who would probably rather quit than stay in the service if encouragement was given them by forming a precedent of an acceptance of a resignation of an officer in

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XIX, folio 285. A letter from the Board of War, dated July 3, upon the subject is on folio 293.

[2] Baker's petition, dated May 17, is in the *Papers of the Continental Congress*, No. 42, I, folio 173; that of Codman, in No. 42, II, folio 58; that of Brown, in No. 42, I, folios 179, 181.

similar circumstances. That in consideration of Major Burkhart's private affairs, the Board during the last winter would not have objected to his resignation, as no immediate service then demanded his continuance in Office, and the arrangement being then on the Carpet, the regiment might easily have been provided with another Field Officer. For the like reason they would readily recommend an acceptance of his resignation at the close of the present Campaign: but in the present state of the matter are of Opinion,

Resolved, That it is inexpedient at this time to accept Major Burkhart's resignation.[1]

The committee to whom was referred the report of the Board of War on the construction of the resolution of March 15th, 1779, brought in a report, which was read:

The Committee, to whom was referred a report of the Board of War, on the construction of a resolution of Congress of the 15th of March last, report as their opinion:

That for removing all doubts concerning the construction of the resolution of the 15th of March last, respecting the corps of Light Dragoons, Artillery &c, being credited to the States to which they belong as parts of their Quotas, it be

Resolved, That for the present, no greater number of men be required of any of the States for the Continental Army, than a number equal to their respective Quotas of the eighty Battalions of Infantry, as apportioned by a resolution of the 9th of March last; and that the Men serving in the additional battalions of Infantry, corps of Light Dragoons and Artillery, and Artillery Artificers, belonging to the respective States be considered as part of the Quotas of the 80 Battalions.

That if each State's Quota of Men were completed agreeable to the foregoing resolution, the deficiencies in the other corps might be supplied by drafts from the Infantry, without reducing any regiment of Infantry to a less number than five hundred Men, exclusive of Commissioned Officers.

That the Officers and men serving in the other Corps aforesaid ought to be considered by the States, to which they belong, equally under their care, as those belonging to their battalions of Infantry, in every provision they make for their troops.

[1] This report is in the *Papers of the Continental Congress*, No. 147, III, folio 493.

That a proper compensation shall be made to such States, as shall have furnished more than their respective Quotas of the whole number of men kept up in the Continental Army, for any extra expences necessarily incurred thereby.

And whereas the keeping up and recruiting battalions of Infantry not under the immediate care of any of the States, is attended with many difficulties and inconveniencies,

Resolved, that the Commander in chief by and with the concurrence and assistance of the authority of the respective States, be authorized to incorporate said additional battalions, except (Col. Hazen's) with the battalions of the States to which the Officers and Men respectively belong, without increasing the number of battalions already assigned to any State; that the officers of the said additional Battalions, have an equal chance with the Officers of the Battalions with which they shall be incorporated (according to their rank and Merit) of being retained in the service. But those who shall be discharged as Supernumeraries, shall have the same allowance as is provided by the resolution of the 24th of November, 1778.[1]

Ordered, That the consideration thereof be postponed.

Congress proceeded to the consideration of the report of the committee on the letters from A. Lee, Esq. and the communications of the Minister Plenipotentiary of France, and some time being spent thereon,

Congress proceeded to the consideration of the second proposition moved by Mr. [Elbridge] Gerry.

A motion was made by Mr. [Thomas] Burke, seconded by Mr. [William Henry] Drayton, to strike out the words "explanatory," "more," "than it already is by the "treaties aforesaid." And a division being called for by Mr. [Henry] Laurens,

On the question, Shall the word "explanatory" stand, the yeas and nays being required by Mr. [Thomas] Burke,

[1] This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress,* No. 27, folio 87.

New Hampshire,		
Mr. Whipple,	ay	ay
Peabody,	ay	
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Collins,	ay	
Connecticut,		
Mr. Sherman,	ay	ay
Huntington,	no	
Spencer,	ay	
New York,		
Mr. Duane,	ay	div.
Lewis,	no	
New Jersey,		
Mr. Scudder,	ay	div.
Fell,	no	
Pennsylvania,		
Mr. Searle,	ay	ay
Muhlenberg,	ay	
M'Lene,	ay	
Delaware,		
Mr. Dickinson,	no	div.
M'Kean,	ay	
Maryland,		
Mr. Carmichael,	no	no
Henry,	ay	
Jenifer,	no	
Virginia,		
Mr. Smith,	no	no
Griffin,	no	
Fleming,	no	
North Carolina,		
Mr. Penn,	no	no
Burke,	no	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	ay	div.
Drayton,	no	

So it was resolved in the affirmative.

On the question, Shall the words "more," "than it "already is by the treaties aforesaid", stand, the yeas and nays being required by Mr. [William Henry] Drayton,

New Hampshire,		
Mr. Whipple,	ay	ay
Peabody,	ay	
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Collins,	ay	
Connecticut,		
Mr. Sherman,	ay	ay
Huntington,	ay	
Spencer,		
New York,		
Mr. Duane,	no	no
Lewis,	no	
New Jersey,		
Mr. Scudder,	ay	div.
Fell,	no	

Pennsylvania,			
Mr. Shippen,	ay	ay	
Searle,	ay		
Muhlenberg,	ay		
M'Lene,	ay		
Delaware,			
Mr. Dickinson,	no	div.	
M'Kean,	ay		
Maryland,			
Mr. Carmichael,	no	no	
Henry,	ay		
Jenifer,	no		
Virginia,			
Mr. Smith,	no	no	
Griffin,	no		
Fleming,	no		
North Carolina,			
Mr. Penn,	no	no	
Burke,	no		
Sharpe,	no		
South Carolina,			
Mr. Laurens,	ay	div.	
Drayton,	no		

So it was resolved in the affirmative.

On the question to agree to the proposition, the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,			
Mr. Whipple,	ay	ay	
Peabody,	ay		
Massachusetts Bay,			
Mr. Gerry,	ay	ay	
Lovell,	ay		
Holten,	ay		
Rhode Island,			
Mr. Marchant,	ay	ay	
Collins,	ay		
Connecticut,			
Mr. Sherman,	ay	ay	
Huntington,	ay		
Spencer,	ay		
New York,			
Mr. Duane,	ay	ay	
Lewis,	ay		
New Jersey,			
Mr. Scudder,	ay	ay	
Fell,	ay		
Pennsylvania,			
Mr. Shippen,	ay	ay	
Searle,	ay		
Muhlenberg,	ay		
Delaware,			
Mr. Dickinson,	no	div.	
M'Kean,	ay		
Maryland,			
Mr. Carmichael,	no	no	
Henry,	ay		
Jenifer,	no		
Virginia,			
Mr. Smith,	no	no	
Griffin,	no		
Fleming,	no		
North Carolina,			
Mr. Penn,	no	no	
Burke,	no		
Sharpe,	no		
South Carolina,			
Mr. Laurens,	ay	div.	
Drayton,	no		

So it was

Resolved, That an explanatory article be prepared and sent to our minister plenipotentiary at the court of Versailles, to be by him presented to his most Christian Majesty, whereby the said common right to the fisheries shall be more explicitly guarantied to the inhabitants of these states, than it already is by the treaties aforesaid.

The third proposition being read,

A motion was made by Mr. [Thomas] Burke, seconded by Mr. [William Henry] Drayton, to amend the same by adding, "Provided that if Great Britain will acknowledge "and ratify the liberty, sovereignty and independence, "absolute and unlimited, as well in matters of govern- "ment as of commerce, of these United States, and "agree to the other articles in the ultimatum resolved "upon by Congress, the present war shall not be con- "tinued, notwithstanding Great Britain shall decline to "make an express and particular acknowledgment of "the right aforesaid."

Adjourned to 10 oClock to Morrow.[1]

FRIDAY, JULY 2, 1779

A letter, of 23, from G. Clinton, governor of New York, was read.

A letter, of this day, from John Codman and Captain Duarti, was read,[2] with sundry papers enclosed:

Whereupon a motion was made by Mr. [Henry] Laurens, seconded by Mr. [Elbridge] Gerry, that to morrow be assigned for taking into consideration the report of the committee on the memorial of Captain Duarti, on which the yeas and nays being required by Mr. [Henry] Laurens,

[1] In the *Papers of the Continental Congress*, No. 41, V, folio 208, is a memorial of Jean Laugeay, "fire-worker" offering his services to celebrate the anniversary of Independence.

[2] The letter of Clinton is in the *Papers of the Continental Congress*, No. 67, II, folio 198; that of Codman, in No. 44, folio 83.

New Hampshire,			*Delaware,*		
Mr. Peabody,	ay	ay	Mr. McKean,	ay	ay
Massachusetts Bay,			*Maryland,*		
Mr. Gerry,	ay		Mr. Carmichael,	ay	
Lovell,	ay	ay	Henry,	ay	ay
Holten,	ay		*Virginia,*		
Rhode Island,			Mr. Smith,	no	
Mr. Ellery,	ay		Griffin,	ay	ay
Marchant,	ay	ay	Fleming,	ay	
Collins,	ay		*North Carolina,*		
Connecticut,			Mr. Penn,	no	
Mr. Sherman,	ay		Burke,	no	no
Huntington,	ay	ay	Sharpe,	ay	
Spencer,	ay		*South Carolina,*		
New York,			Mr. Laurens,	ay	
Mr. Lewis,	ay	*	Drayton,	no	div.
New Jersey,					
Mr. Scudder,	ay				
Fell,	no	div.			
Pennsylvania,					
Mr. Shippen,	ay				
Searle,	no				
Muhlenberg,	ay	ay			
McLene,	ay				

So it was resolved in the affirmative.

A memorial from Major Burkardt, was read; Whereupon,

Resolved, That his resignation be accepted.

A petition of Captain John Macpherson, was read:

Ordered, That it be referred to the Board of War, and that they take order thereon.

A letter, of 1, from Ethan Allen and Jonas Fay, was read, enclosing a paper endorsed, Colonel Allen and Doctor Fay's appointment and instructions, and accompanied with a book entitled "Acts and laws of the State of Vermont in America."[1]

Ordered, To lie on the table.

[1] The memorial of Burchard, dated July 2, is in the *Papers of the Continental Congress*, No. 41, I, folio 184; the petition of Macpherson is in No. 42, V, folio 144; the letter of Allen and Fay, in No. 41, I, folio 223.

The Committee on the Treasury, to whom was re-committed their report of the 25th of June, for allowing farther time to bring in the emissions called out of circulation, reported the following resolutions:

Whereas the legislature of the State of North Carolina have represented, that from the difficulties of communicating intelligence in that State, and the remote situation of many of its inhabitants, it was impossible that they should receive seasonable notice to carry the money of the emissions of May 20, 1777, and April 11, 1778, to the proper office by the time limited by Congress, and have therefore requested Congress to grant such further time for that purpose, that the inhabitants of the said State may not be injured; and whereas it is also represented to Congress, that many persons in the different states have been prevented by unforeseen causes from complying with the said resolution: and whereas it was not the intention of Congress that individuals possessed of the said bills should sustain any further inconvenience than such as arose from the necessary cautions against counterfeits:

Resolved therefore, That all bills of the said emissions which shall be brought into the continental loan offices, before the first day of January next, shall, at the election of the owners, be received either on loan or to be exchanged for other bills; and that the same rules and precautions as are provided for registering, certifying and defacing the bills of the said emissions received by the respective commissioners of the loan offices before the first day of June last, be observed in respect to all bills of the said emissions which shall be brought in by virtue of this resolution. Provided that each holder of such bills shall previously take the following oath or affirmation, and cause to be delivered to the respective commissioners of the continental loan offices a certificate thereof, signed by the magistrate administering the same:

I do swear (or solemnly affirm) that dollars, of the emissions of May 20, 1777, and April 11, 1778, of the following

numbers and denominations, viz. were my property or in my possession on the first of June, 1779, or at the time of my being informed of the resolution of Congress of the 2d January, 1779, for taking the said emissions out of circulation, and were not obtained directly or indirectly at a discount.

That the commissioners of the continental loan offices be authorized to pay off the indented certificates which they shall have issued for exchanging bills of the emissions of May 20, 1777, and April 11, 1778, to any persons to whom such certificates may be endorsed, provided that each endorsement shall be witnessed by a magistrate:

That the commissioners of the several continental loan offices make returns to the Board of Treasury immediately after the 1st day of January next, of the amount of the bills received in their respective offices after the said first day of June to be exchanged as aforesaid; and that for this purpose proper bills be lodged at the said offices within 60 days from and after the first day of January aforesaid.[1]

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Thomas] Burke, to strike out the words, "2d of January for taking the said emissions out of circulation," and in lieu thereof insert, "2 July for granting further time to bring in the said emissions."

On the question, shall the words moved to be struck out stand, the yeas and nays being required by Mr. [William] Sharpe,

New Hampshire,			*Rhode Island,*		
Mr. Whipple,	ay	ay	Mr. Marchant,	ay	ay
Peabody,	ay		*Connecticut,*		
Massachusetts Bay,			Mr. Sherman,	ay	ay
Mr. Gerry,	no		Huntington,	ay	
Lovell,	ay	ay	Spencer,	ay	
Holten,	ay		*New York,*		
			Mr. Lewis,	ay	*

[1] This report, dated June 30, is in the *Papers of the Continental Congress*, No. 136, III, folio 437.

New Jersey,		
Mr. Scudder,	ay	ay
Fell,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Searle,	ay	
Muhlenberg,	ay	
M'Lene,	ay	
Delaware,		
Mr. M'Kean,	ay	ay
Maryland,		
Mr. Henry,	no	no
Carmichael,	no	
Virginia,		
Mr. Smith,	no	no
Griffin,	no	
Fleming,	no	
North Carolina,		
Mr. Penn,	no	no
Burke,	no	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	

So it was resolved in the affirmative.

A motion was made by Mr. [Meriwether] Smith, seconded by Mr. [William] Fleming, to strike out the words, "and were not obtained directly or indirectly at a discount."

On the question, shall those words stand, the yeas and nays being required by Mr. [Meriwether] Smith,

New Hampshire,		
Mr. Whipple,	ay	ay
Peabody,	ay	
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Connecticut,		
Mr. Sherman,	ay	ay
Huntington,	ay	
Spencer,	ay	
New York,		
Mr. Lewis,	ay	*
New Jersey,		
Mr. Scudder,	ay	ay
Fell,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Searle,	ay	
Muhlenberg,	ay	
M'Lene,	ay	
Delaware,		
Mr. M'Kean,	ay	ay
Maryland,		
Mr. Carmichael,	ay	div.
Henry,	no	
Virginia,		
Mr. Smith,	no	no
Griffin,	no	
Fleming,	no	
North Carolina,		
Mr. Burke,	ay	ay
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	

So it was resolved in the affirmative.

A motion was made by Mr. [Thomas] Burke, seconded by Mr. [William] Sharpe, to strike out the whole proviso, including the oath.

And, on the question, shall it stand, The yeas and nays being required by Mr. [William] Sharpe,

New Hampshire,		
Mr. Whipple,	ay	ay
Peabody,	ay	
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Connecticut,		
Mr. Sherman,	ay	ay
Spencer,	ay	
New York,		
Mr. Lewis,	ay	*
New Jersey,		
Mr. Scudder,	ay	ay
Fell,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Shippen,	ay	
Searle,	ay	
Muhlenberg,	ay	
M'Lene,	ay	
Delaware,		
Mr. M'Kean,	ay	ay
Maryland,		
Mr. Carmichael,	ay	*
Virginia,		
Mr. Smith,	no	*
Fleming,	no	
North Carolina,		
Mr. Penn,	no	no
Burke,	no	
Sharpe,	no	
South Carolina,		
Mr. Drayton,	no	no

So it was resolved in the affirmative.

Question put to agree to the report: resolved in the affirmative.

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [Thomas] M'Kean,

Whereas it will require time to provide loan office certificates for borrowing twenty million dollars, in pursuance of the resolutions of Congress of the 29 June last:

Resolved, That loan office certificates, of any denomination, already struck by order of Congress, be issued for the purpose of the said loan; any thing contained in the said certificates to the contrary notwithstanding:

That the Board of Treasury be authorized to order the treasurer of loans to transmit to the several commissioners of the continental loan offices, such of the said certificates as are in his possession; and that the certificates ordered to be struck the 25 June last, be not issued until the further order of Congress.[1]

Ordered, That Mr. [William] Ellery have leave of absence.

Adjourned to 10 oClock to Morrow.

SATURDAY, JULY 3, 1779

A letter, of 1st, and one, of 2d, from Mons. Holker, enclosing sundry papers, were read:

Ordered, That copies thereof be transmitted to the president and supreme executive council of Pensylvania, and that they be requested to take the same into consideration that right may be done.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Henry] Laurens, That John Dunlap be directed forthwith to attend at the bar of this House, to answer to such questions as shall be proposed to him relative to a publication in his *Pensylvania Packet* of this date, under an introduction signed "Leonidas".

On which, the previous question being moved by Mr. [John] Penn, seconded by Mr. [William] Sharpe, the yeas and nays were required by Mr. [Henry] Laurens,

[1] This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 36, IV, folio 119.

Massachusetts,		
Mr. Gerry,	no	
Lovell,	ay	ay
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	
Collins,	ay	ay
Connecticut,		
Mr. Sherman,	ay	
Huntington,	ay	ay
Spencer,	ay	
New York,		
Mr. Lewis,	ay	*
New Jersey,		
Mr. Scudder,	ay	
Fell,	ay	ay
Pennsylvania,		
Mr. Armstrong,	ay	
Searle,	ay	
Muhlenberg,	ay	ay
McLene,	ay	
Delaware,		
Mr. McKean,	ay	ay
Maryland,		
Mr. Carmichael,	ay	
Henry,	ay	ay
Jenifer,	ay	
Virginia,		
Mr. Smith,	no	
Griffin,	ay	ay
Fleming,	ay	
North Carolina,		
Mr. Penn,	ay	
Burke,	ay	ay
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	ay	
Drayton,	ay	ay

So it passed in the affirmative, and the main question was set aside.

A letter, of 2d, from J. Prowell, was read;[1] Whereupon Congress came to the following resolution:

It being represented to Congress, that their resolution of the 5th of June last, vacating the commission of major granted to Captain Prowell, in the 11th Pensylvania regiment, has been misunderstood;

Resolved, That the sole reason for vacating the said commission was the claims of elder captains in the Pensylvania line over whom it appeared, that he had been promoted by mistake; and not any fault or want of merit in Captain Prowell, of whose character as a useful officer, Congress entertain a favourable opinion.[2]

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

[2] These resolutions, in the writing of Pickering, but not apparently offered as a report from the Board of War, is in the *Papers of the Continental Congress*, No. 147, III, folio 497.

A letter, of this day, from Henry Shrupp, ensign in the German battalion, was read, desiring leave to resign his commission:[1]

Resolved, That his resignation be accepted.

The Board of War, to whom was referred the letter of 25 June, from A. Henderson, report,

That the resignation of Captain Alexander Henderson, deputy commissary of military stores, be accepted.[2]

Resolved, That Congress agree to the said report.

The commissioners of claims report,

That there is due to Robert Jewell, for his pay and the pay of his two assistants, keepers of the State prison in this city, from the 6th of March, to the 23d June, 1779, inclusive, and also for cash advanced by him for sundries, as per account and vouchers, nineteen hundred and eighty four dollars and 6/90.

That there is due to Paul Fooks, Esq. for his salary as interpreter for the French and Spanish languages, from the 2d December, 1778, to the 2d instant, being six months, at 100 dollars, six hundred dollars.[3]

Ordered, That the said accounts be paid.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. R[oger] Sherman, one of the delegates of the State of Connecticut, on his application, for two thousand dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. S[amuel] Huntington, one of the delegates of the State of Connecticut, on his application, for fifteen hundred dollars; for which the said State is to be accountable.

[1] This letter is in the *Papers of the Continental Congress,* No. 78, XX, folio 427.

[2] This report is in the *Papers of the Continental Congress,* No. 147, III, folio 499.

[3] This report, dated June 27, is in the *Papers of the Continental Congress,* No. 136, III, folio 427.

Whereas by a resolution of Congress, passed the 22d day of May last, upon application of the State of Connecticut, a warrant issued on the treasury in favour of their delegates, for one hundred and fifty thousand dollars, the said State to be accountable, and to repay the same to the commissioner of the continental loan office, in the month of August next, with interest at six per cent. And whereas his excellency Jonathan Trumbull, Esq. governor of the said State, has represented to Congress, that before the arrival of the said money, other provision was made for the purpose of the said application, but as orders for recruiting their quota of the deficiency of the continental army are issued, and no money transmitted for that purpose, the general assembly of the said State request that Congress will charge the said State with the said loan, not as a loan according to the first intention, but on account of recruiting and cloathing their quota of the deficiency of the continental troops aforesaid, without any charge of interest:

Resolved, That the said request be complied with, and the money so received be charged to the said State as so much advanced for recruiting and cloathing their quota of the deficiency of continental troops, and for which the said State is to be accountable.

Ordered, That a warrant issue on the treasurer of the State of Connecticut, in favour of his excellency Jonathan Trumbull, Esq. governor of the said State, for two hundred thousand dollars, for the purpose of supplying cloathing for their quota of troops in the Continental line, to be paid out of moneys in the hands of the said treasurer, collected for the use of the United States; for which sum of 200,000 dollars the said State is to be accountable.

Resolved, That his excellency the governor and council of Connecticut be requested, if they shall judge it expedient,

to make a further allowance in addition to what has already been made by Congress, to Jesse Brown, whilst riding express in the service of the United States, charging such allowance to the states aforesaid.[1]

Congress proceeded to the consideration of the report of the committee on the memorial of Captain J. G. Duarti, and some time being spent thereon,

Adjourned to 10 oClock on Monday.

MONDAY, JULY 5, 1779

A letter, of 1, from General Washington, was read:

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

A letter, of 30th June, from N. Greene, Q. M. G., and one, of 3 instant, from J. Reed, president of Pensylvania, were read.

A letter, of 31 May, from Colonel W. Shepard and sixteen other field officers, was read:[2]

Ordered, That it be referred to the Committee of Conference.

Congress resumed the consideration of the report of the committee on the memorial of Captain Duarti; and thereupon

Ordered, That the same, together with the memorial, be referred to a committee of five, and that they be directed to confer with the memorialist, and such of the owners of the *Phœnix,* as they may be able to meet with, and endeavour to adjust the claims of the memorialist, and make report as soon as may be:

The members chosen, Mr. [James] Searle, Mr. [William Henry] Drayton, Mr. [James] Lovell, Mr. [Henry] Marchant, and Mr. [Henry] Laurens.

[1] This report, dated July 2, is in the *Papers of the Continental Congress,* No. 136, III, folio 441.

[2] Washington's letter is in the *Papers of the Continental Congress,* No. 152, VII, folio 439; that of Greene, in No. 155, I, folio 143; that of Reed, in No. 69, II, folio 81; that of Shepard, in No. 78, XX, folio 409.

An appeal from the judgment of a court of admiralty for the State of Delaware, on the libel Lieutenant Colonel Philip Barratt qui tam &c. *v.* Schooner *Packet,* &c. was lodged with the secretary, and referred to the Committee on Appeals.

Adjourned to 10 oClock to Morrow.

TUESDAY, JULY 6, 1779

A letter, of 3d, from J. Cox and Charles Pettit, assistant quarter master general, enclosing one, of 29 June, from M. Furman, was read:

Ordered, That the same be referred to the committee appointed to make enquiry into the establishments and contingent expences of the respective boards and departments, etc.

A letter, of 27 June, from General Washington was read:

Ordered, That it be referred to the committee of conference.

The Committee of Congress for conferring with the Commander in Chief took into consideration the following extract of a letter from him dated the 27th of June, 1779, (to wit),

"I am informed that some Cloathing has lately been provided on Continental account for the officers, and is coming on to the Army, tho' I have had no regular information on the subject. If this should be true, it is requisite some particular direction should be given for the distribution. I shall be glad to receive the commands of Congress on the subject."

Ordered, that the said Extract be referred to the Board of War, and that they be requested to report thereon to Congress, the Committee having no information on the subject matter thereof.

By order of the Committee.

JAS. DUANE, *Chr.*

9th July, 1779.[1]

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress,* No. 31, folio 55.

A letter, of 26 June, from Major General Gates, was read, with sundry papers enclosed.[1]

Ordered, That the letter be referred to the Board of War.

Ordered, That so much of the papers enclosed as relate to Indian affairs be referred to the Committee on Indian Affairs.

An address from a committee of the merchants of Boston, with resolutions of that body, were read.[2]

A letter, of 3, from the Board of War, was read;[3] Whereupon,

Resolved, That Margaret Corbin, who was wounded and disabled in the attack on Fort Washington, whilst she heroically filled the post of her husband who was killed by her side serving a piece of artillery, do receive, during her natural life, or the continuance of the said disability, the one-half of the monthly pay drawn by a soldier in the service of these states; and that she now receive out of the public stores, one complete suit of cloaths, or the value thereof in money.

Resolved, That in consideration of their extra duties and service, the officers in the army of these states, serving as sub and brigade inspectors, be allowed, the former three rations a day and forage for three horses, and the latter two rations a day and forage for two horses, in lieu of all former rations and forage, both as officers in the line and as inspectors; their subsistence money as officers in the line to remain as heretofore.[4]

A memorial from the Minister Plenipotentiary of France, was read; Whereupon,

Resolved, That it be recommended to his excellency the governor of Maryland to permit the ship *Defence,* which is

[1] The letter of Cox and Pettit is in the *Papers of the Continental Congress,* No. 78, V, folio 359; that of Furman is on folio 367; that of Washington, in No. 152, VII, folio 423 It is printed in *Writings of Washington* (Ford), VII, folio 471. The letter of Gates is in No. 154, II, folio 125.

[2] This address is in the *Papers of the Continental Congress,* No. 43, folio 33.

[3] This letter is in the *Papers of the Continental Congress,* No. 147, III, folio 501.

[4] This report, dated July 5, is in the *Papers of the Continental Congress,* No. 147, III, 509.

loaded with provisions for the fleet of his most Christian Majesty, to depart and carry her cargo to the place of her destination; and that care be taken that she carry no other provision than the above, and what may be necessary for the use of the crew.

Congress proceeded to the consideration of the report of the committee on the letters from A. Lee, Esq. and the communications of the Minister Plenipotentiary of France, and some time being spent thereon,

Adjourned to 10 oClock to Morrow.

WEDNESDAY, JULY 7, 1779

A letter, of 1, from Major General Heath, was read,[1] desiring to be informed what the duties of the commissioners of the Board of War are, and whether, in case of his acceptance of the office, he will retain his rank in the army:

Ordered, That Major General Heath be furnished with a copy of the resolutions establishing the Board of War and defining its powers, and that he be informed he will retain his rank, but be paid only as a commissioner of the Board.

On motion of Mr. [Gouverneur] Morris, seconded by Mr. [Nathaniel] Scudder,

Resolved, That a committee of three be appointed to enquire into the circumstances mentioned in the memorial of the Minister of France, of the 5th instant, relative to the ship *Elizabeth and Mary*, and particularly whether any and what flour or other provisions were shipped on board the said vessel on private account.[2]

The members chosen, Mr. [James] Searle, Mr. [Nathaniel] Scudder and Mr. [Francis] Lewis.

[1] This letter is in the *Papers of the Continental Congress*, No. 157, folio 278.

[2] A letter of Thomas Fitzsimons, dated July 6, and other papers on this case, is in the *Papers of the Continental Congress*, No. 78, IX, folio 265–277.

A memorial from the Minister Plenipotentiary of France was read:

Ordered, That it be referred to the committee appointed to superintend the quarter master and commissary general's departments.

A petition of John Nairn was read:

Ordered, That it be referred to the Marine Committee.

Congress proceeded to the consideration of the reports of the Board of Treasury relative to finance, and made some progress therein.

A letter, of 4th, from Major General Lincoln; and one, of 9th, from Brigadier General Moultrie, were read.[1]

Adjourned to 10 oClock to Morrow.

THURSDAY, JULY 8, 1779

The delegates of South Carolina laid before Congress a letter, of 9 June, from J. Rutledge, governor of South Carolina, which was read.

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [Henry] Marchant,

Resolved, That a standing committee of three be appointed to correspond with the commanding officer in South Carolina and Georgia, and report, from time to time, the necessary measures for defending the said states and that the letter now read, together with that from Major General Lincoln, be referred to this committee:

The members chosen, Mr. [Henry] Laurens, Mr. [Henry] Marchant and Mr. [Samuel] Holten.

A letter, of 7th, from John Cox and Charles Pettit, assistant quarter masters general was read:

Ordered, That it be referred to the committee on the letter of 24th June, from Major General Greene.

[1] The Moultrie letter is in the *Papers of the Continental Congress*, No. 158, folio 473.

The Committee, to whom were referred the letter of General Greene, Quartermaster General, dated the 24th of June last, and the Memorial of Colonel John Cox and Charles Pettit, Esquires, Assistant Quarter Masters General of the Army, beg leave to report:

That the letter of the said General Greene is conceived in terms too disrespectful of the Legislature of the State of New Jersey to receive countenance from Congress.

That your Committee have perused and maturely considered the Memorial of Messrs Cox and Pettit, and the Act of Assembly of New Jersey referred to therein, whereby these officers are liable to be taxed for all their real and personal estates in New Jersey in common with other citizens, and also a specific sum on account of the offices which they hold under the United States.

That tho' the Legislature of New Jersey have an undoubted right to make laws for the raising supplies on the Citizens of the said states in the manner they shall think most equal and just, and to tax all property therein however or wherever acquired; yet your Committee apprehend it will be inconvenient and prejudicial to the service and interest of the United States, if their officers are taxed not only to the full value of their estates, but also for the salaries or pay allowed them by Congress; as the sum assessed upon the office will be so much taken from the whole States for the benefit of a particular state, and the allowance by Congress will be so far reduced below what was intended and engaged.

That therefore it be recommended to the Legislature of New Jersey to revise the Act of Assembly aforesaid, and to repeal so much thereof as imposes an additional tax upon the officers of the United States on account of their office, and if any such tax shall be collected before the said repeal can be effected, that they will be pleased to cause restitution thereof to be made.[1]

On motion of Mr. [William] Sharpe, seconded by Mr. [Roger] Sherman,

Ordered, That the address from the committee of the merchants of Boston, and the papers enclosed, be referred to a committee of three:

The members chosen, Mr. [Thomas] McKean, Mr. [William Henry] Drayton, and Mr. [Samuel] Huntington.

[1] This report, in the writing of Thomas McKean, is in the *Papers of the Continental Congress*, No. 19, II, folio 443.

The committee, to whom was referred the letter, of the 3d, from J. Cox and C. Pettit, assistant quarter masters general, brought in a report, which was read:

The Committee to whom the letter of John Cox and Charles Pettit was referred, report:

That on the 14th of June last, a report was made to Congress, containing a plan for regulating prices similar to that mentioned in the said letter.

Your Committee further reports the preamble to the 7th Resolution of that report: "Whereas many persons demand exhorbitant prices for commodities required for the use of the army, far exceeding an advance in proportion to the depreciation of the currency arising from its quantity, by which conduct they cause as much as they can that still greater depreciation, on the supposition whereof they demand such prices, thereby counteracting every measure that can be devised for appreciating the said currency, *Resolved*, therefore, "or

And this additional resolve to follow immediately after the said 7th Resolve—

"*Resolved*, that Congress having good reason to expect that the Commodities, aforesaid may in a short time be purchased at prices much below the said rates, the Q. M. G. and C. G. of purchases, and all persons acting under either of them, be ordered in no case whatever to give any prices so exceeding the said rates.[1]

Ordered, That it be made an order of the day, as a subject of Finance, and taken into consideration to morrow.

The committee, to whom was referred the letter, of 19 June, from T. Jefferson, governor of Virginia, with the papers enclosed, brought in a report, which was read.

The Committee upon Govr Jefferson's letter of the 19th June, Report as follows:

Resolved, That Congress have a high sense of the military and enterprizing Spirit of Colonel Clarke, of the State of Virginia, and under the particular appointment of that State. That Congress contemplate with great pleasure the success of Colonel Clarke in the hazardous but necessary and well executed attack against the Post of St.

[1] This report, in the writing of John Dickinson, is in the *Papers of the Continental Congress*, No. 19, V, folio 113.

Vincenne, the Capture of Governor Hamilton, and the Garrison under his Command.

Resolved, That the thanks of Congress be communicated by the President to Colonel Clarke, and the brave officers and Soldiers under his Command, for their ardour bravery and intrepidity upon that striking and interesting occasion.

The said Committee Report also the following Resolution:

Resolved, That Congress have a high sense of the services of Colonel Shelby, of the State of Virginia, and under the particular appointment of that State, against the Cherokees of Chiccamagga highly interesting to the Peace and Happiness of the Frontiers of these United States.[1]

On motion of Mr. [James] Duane, seconded by Mr. [John] Dickinson,

Resolved, That Colonels J. Cox and C. Pettit continue to discharge the duties of assistant quarter masters general until further order be taken on their letter of the 7th instant, which hath been referred to a committee.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Joseph Carleton, paymaster to the Board of War and Ordnance, for one million dollars, on the application of the said Board, to provide cloathing for the army, to be purchased under their direction; and for which they are to be accountable.

That a warrant issue on the treasurer, in favour of Mr. Nathaniel Scudder, one of the delegates for the State of New Jersey, for fifteen hundred dollars, on his application; and for which the said State is to be accountable.[2]

That a warrant issue on the treasurer, in favour of Colonel Wadsworth, commissary general of purchases, for five millions eight hundred thousand dollars, on the application of

[1] This report, in the writing of Henry Marchant, is in the *Papers of the Continental Congress*, No. 20, II, folio 240.

[2] This report, dated June 23, is in the *Papers of the Continental Congress*, No. 136, III, folio 415.

Messrs. Chaloner and White, assistant purchasing commissaries, for the use of his department; for which the said commissary general is to be accountable.[1]

That a warrant issue on the treasurer, in favour of Joseph Clarke, Esq. commissioner of the continental loan office for the State of Rhode island, for five hundred dollars, to be paid to Captain John Valentine Banks, and for which the said commissioner is to be accountable, and to be furnished with a copy of this order.

Whereas Jonathan Trumbull, Jun. esq. has represented to the Board of Treasury, that the trust reposed in him for settling the accounts of the deputies and agents of the late commissary general, Joseph Trumbull, deceased, cannot be discharged without more assistance than is allowed by the resolution of Congress of the 5th of May last:

Resolved, That the Board of Treasury be authorized to employ so many additional accountants or clerks to assist in the execution of the said trust as they shall judge necessary.[2]

Adjourned to 10 oClock to Morrow.

FRIDAY, JULY 9, 1779

Mr. [William Churchill] Houston, a delegate for New Jersey, attended, and produced the credentials of his appointment, which were read, as follows:

NEW JERSEY, *May 25th 1779*

The Council and Assembly met at Trenton.

The Joint Meeting proceeded to the Election of a Delegate to Represent this State in Congress, and the Votes being taken,

William Churchill Houston, Esquire, was duly elected.

Resolved therefore, That the said William Churchill Houston, be impowered in Conjunction with the Honourable John Witherspoon,

[1] This report, dated July 8, is in the *Papers of the Continental Congress*, No. 136, III, folio 451.

[2] This report, dated July 7, is in the *Papers of the Continental Congress*, No. 136, III, folio 445.

Nathaniel Scudder and John Fell, Esquires, or any one or more of them, to Represent and vote in Behalf of this State, in the Congress of the United States of North America, untill the first day of December next, 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 the Joint Meeting,

CALEB CAMP, *Chairman.*[1]

Congress proceeded to the consideration of the reports of the committee on departments, and of that on the letter of 3, from J. Cox and C. Petit, assistant quarter masters general; and, thereupon,[2]

Resolved, 1. That the executive powers of each State be earnestly requested instantly to make the strictest enquiry into the conduct of every person within such State respectively employed, either in the quarter master general's or purchasing or issuing commissary general's departments, and in case of any kind of misbehaviour or strong suspicion thereof in any such person not being an officer immediately appointed by Congress, to remove or suspend every such person, ordering him at their discretion to be prosecuted at the expense of the United States, and to appoint another in his place, if necessary, and so, from time to time, as occasion may be, giving notice to the Board of War, and also to the quarter master general or commissary general in whose department such removal or suspension shall be, of the change; the person so appointed to have the same authority and pay which the person removed had been vested with and entitled to, or such pay as the said executive powers respectively shall agree for, to be in like manner subject to the head of the department to which he belongs, and to observe all the regulations for the government of deputy quarter masters and deputy commis-

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

[2] From this point the entries are in the writing of Thomas Edison.

saries respectively; and that the executive powers of each State be in like manner requested to enquire into the number of persons employed in the quarter master general's and commissary's departments, and immediately to discharge such as shall be judged unnecessary.

On which the yeas and nays being required by Mr. [Meriwether] Smith,

New Hampshire,			*Pennsylvania,*		
Mr. Whipple,	ay	ay	Mr. Armstrong,	ay	ay
Peabody,	ay		Shippen,	ay	
Massachusetts Bay,			Atlee,	ay	
Mr. Gerry,	ay	ay	Searle,	ay	
Holten,	ay		M'Lene,	ay	
Rhode Island,			*Delaware,*		
Mr. Marchant,	ay	ay	Mr. M'Kean,	ay	ay
Collins,	ay		*Maryland,*		
Connecticut,			Mr. Carmichael,	ay	ay
Mr. Sherman,	ay	ay	Henry,	ay	
Huntington,	ay		*Virginia,*		
Spencer,	ay		Mr. Smith,	no	ay
New York,			Griffin,	ay	
Mr. Jay,	ay	ay	Fleming,	ay	
Duane,	ay		*North Carolina,*		
Lewis,	ay		Mr. Burke,	ay	ay
New Jersey,			Sharpe,	ay	
Mr. Scudder,	ay	ay	*South Carolina,*		
Fell,	ay		Mr. Drayton,	ay	ay
Houston,	ay				

So it was resolved in the affimative.[1]

2. That no Quarter Master, Assistant or Deputy quarter Master, or Commissary, shall keep, own or be in any manner whatever interested in any boat, shallop, vessel, waggon or cart, or in any waggon horse or Cart horse engaged in any manner in the transportation of public supplies of any kind under pain of being immediately on discovery, discharged with infamy and of forfeiting all his pay during the whole time of his being in employment.

[1] From this point Thomson resumed the entries.

3. That every person to be appointed as aforesaid by any of the executive powers of these States shall, before he enters on the execution of his office, and every other person now employed as aforesaid, to whom the executive powers of any State shall think proper to have the same tendered, take and subscribe an oath before some magistrate. "That he will to the best of his skill and Judgement diligently and faithfully execute the office of (mentioning the office he bears, or to which he is appointed as the case may be) therein endeavor to the utmost of his ability to promote the service of the United States of America, in the least expensive manner he can; that he will give to the Chief Magistrate of the State from time to time the earliest information of any frauds or abuses in the Quarter Master General's or Commissary General's Department, which he knows or suspects to be committed; that he will not during his continuance in the said Office engage in or carry on any kind of trade or traffic whatever, nor make or endeavor to make directly or indirectly any other or greater emolument profit or advantage whatever by the said Office, or by virtue or under cover of the powers vested in him for the discharge of it, or of the opportunities thereby afforded him, than are or shall be allowed to him by the United States, or by the State, in which he is employed." And the affidavit so taken shall be returned to the Chief Magistrate of the State to be by him transmitted to the Board of War.

4. That all Deputy Quarter Masters and Deputy Commissaries shall every month render to the executive Powers of the State in which they act, an account of all their proceedings particularizing all the vessels, boats and carriages employed, the names of the owners, the time they were employed and the supplies removed in them, and regular returns of all the articles of supply and the prices with the names and places of abode of the persons from whom, and the days on which they were purchased, exactly mentioning the sorts, the number or quantities and quality thereof then in stores or magazines, and the situation of such stores or magazines, and shall pay obedience to all such orders, as they shall from time to time receive from the said Executive powers not inconsistent with orders received from the Head of the Department.

5. That every Deputy Commissary shall on every barrel of flour, pork and beef purchased by him or packed under his direction, brand or inscribe plainly and legibly so that the same cannot be rubbed out, his Christian and Sirname at full length.

6. If Congress shall judge proper to recommend the laying an embargo on the produce, that then it be also recommended to every State to make laws for confiscating all articles imported into the same contrary to the laws of that State from which they are imported; and that if any State is permitted notwithstanding such embargo to procure the produce of another State, all purchases of such produce be made by the same persons who purchase for the United States.[1]

Ordered, That the farther consideration of the reports be postponed.

A letter, of this day, from J. Cox and Charles Pettit, assistant quarter masters general, was read.

Adjourned to 10 oClock to Morrow.

SATURDAY, JULY 10, 1779

A letter, of 9th, from P[eter] Wikoff, was read, declining to accept the office of cloathier general;[2] Whereupon,

Ordered, That Congress proceed to a new election.

Mr. James Stevenson was nominated for that office by Mr. [John] Dickinson; ~~Mr. Samuel Caldwell by Mr. McKean;~~ Mr. George Measom by Mr. [Roger] Sherman; ~~Mr. William Henry by Mr. McClene;~~ Mr. Peter Wikoff by Mr. [Henry] Laurens.

Ordered, That Mr. [Nathaniel] Scudder have leave of absence.

A letter, of 7, from Captain Thomas Pitcairn, at Reading, and

One, of 17, from Major H. Lee, were read:[3]

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

[1] These paragraphs are taken from a paper, in the writing of Charles Thomson, in the *Papers of the Continental Congress*, No. 28, folio 165. They appear to have been copied from the original report, but at a later date, as the vote just given is regularly placed.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 53.

[3] Pitcairn's letter is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 231; that of Lee, in No. 78, XIV, folio 267.

The Board of War, to whom was referred the letter from Major General Gates, in recommendation of Captain Bancke, brought in a report; Whereupon,

AT A BOARD OF WAR, *July 10, 1779.*

Present, Col Pickering and M^r^ Peters.

The Board having taken into consideration the case of Captain Bancke, recommended by General Gates in his letter of the twenty sixth day of June last, referred to them by Congress, beg leave to report:

That Captain Bancke appears to be a man of character and experience in his profession, and has the merit of early embarking in our cause, having left Europe in 1776 with a view of entering into the service of the United States, but being captivated by the enemy (in company with the Marquis de Britigni) lost his baggage and effects, and suffered a long and severe imprisonment.

That altho' Captain Bancke merits our warmest acknowledgements for his zeal and attachment to the interests of these States, we find it impracticable under our present circumstances to employ him in the Army. We therefore take the liberty of recommending,

Resolved, That Captain Bancke be informed that although Congress have a high sense of his merit and are obliged by his offers to serve in the army of these States, yet they find it impracticable to employ him suitably to his wishes.

That in consideration of the peculiar circumstances of Captain Bancke's case, the expences he has incurred, and the losses by him sustained, the sum of three thousand dollars be paid to him, to enable him to return to Europe; and that until a convenient passage can be procured by Captain Bancke, he proceed to the army under the command of Major General Gates, who is authorized to employ him, during his necessary stay in America, in such way as the general shall think most conducive to the good of the service and agreeable to Captain Bancke.[1]

The Committee on the Treasury report, that they have received returns from the commissioners of the loan offices of

[1] This report is in the *Papers of the Continental Congress*, No. 147, III, folio 511.

the states of New Hampshire, Massachusetts bay, Rhode Island and Delaware, by which it appears that the sum of the emissions of the 20 May, 1777, and April 11, 1778, received to be exchanged, amounts to five millions three hundred and seventy nine thousand five hundred and thirty eight dollars;[1] that by a return from the treasurer, of the 8th instant, there remained in the treasury 6,027,000; that there are no returns from the continental loan offices of any other states; that the escort charged with the money of the emissions called out of circulation, having delivered the same to the treasurer of loans, are ready to return, and the commissioner for Massachusetts bay has requested that the said escort may bring back the money to be exchanged; that the committee do not chuse, without the authority of Congress, to determine upon sending the money to the states above mentioned, lest they might give dissatisfaction, if for want of money, the public business should be obstructed, or any other State delayed when the money collected therein of the said emissions shall be brought into the treasury; and therefore pray for the sense of Congress:

Whereupon, a motion was made by Mr. [Samuel] Huntington, seconded by Mr. [Roger] Sherman,

That the Board of Treasury be directed to transmit to the loan offices in the states above mentioned a sum sufficient

[1] The details of this total are as follows:

	By Tax.	For Certificates.	For Exchange.	Total.
New Hampshire	200,000	225,717	271,264	696,981
Massachusetts Bay		1,997,573	4,638,412	6,635,985
Rhode Island			399,862	947,007
Delaware			70,000	307,886
Totals	200,000	2,223,290	5,379,538	8,587,859

This report, dated July 9, is in the *Papers of the Continental Congress*, No. 136, III, folio 455.

to exchange the money by them respectively received for exchange and transmitted to the treasurer of loans.

On the question to agree to this, the yeas and nays being required by Mr. [Meriwether] Smith,

New Hampshire,			*Pennsylvania,*		
Mr. Peabody,	ay	ay	Mr. Muhlenberg,	no	no
Massachusetts,			McLene,	no	
Mr. Gerry,	ay		*Delaware,*		
Lovell,	ay	ay	Mr. McKean,	no	no
Holten,	ay		*Maryland,*		
Rhode Island,			Mr. Carmichael,	no	no
Mr. Marchant,	ay		Henry,	no	
Collins,	ay	ay	*Virginia,*		
Connecticut,			Mr. Smith,	no	
Mr. Sherman,	ay		Griffin,	no	no
Huntington,	ay	ay	Fleming,	no	
Spencer,	no		*North Carolina,*		
New York,			Mr. Penn,	no	
Mr. Jay,	ay		Burke,	no	no
Duane,	ay	ay	Sharpe,	no	
New Jersey,			*South Carolina,*		
Mr. Witherspoon,	ay		Mr. Laurens,	no	
Fell,	ay	ay	Drayton,	ay	div.
Houston,	ay				

So it was resolved in the affirmative.

The President informed Congress, that the Minister of France had communicated to him certain intelligence, about which it would, in his opinion, be expedient for Congress to confer with the Minister: Whereupon,

Resolved, That Mr. Gérard be informed by the President that Congress are desirous of conferring with him in a Committee of the Whole on the subject of the intelligence communicated by him to the President; and that, if it be agreeable to him, a private audience be had on Monday next, at 12 oClock.[1]

Adjourned to 10 oClock on Monday.

[1] This resolution was entered only in the manuscript Secret Journal, Foreign Affairs.

MONDAY, JULY 12, 1779

Mr. [James] Forbes, a delegate for Maryland, attended and took his seat.

A letter, of 6, from J. Beatty, commissary general of prisoners, was read:[1]

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

The members chosen, Mr. [John] Henry, Mr. [William Churchill] Houston, and Mr. [Samuel] Huntington.

Resolved, That on Thursday next immediately after reading the journal, Congress proceed to the election of a cloathier general.

A letter, of 4, from J[esse] Root and O[liver] Ellsworth, two of the committee appointed to repair to the inhabitants of the New Hampshire grants, was read.[2]

A letter, of 3d, from E. Hazard, was read, enclosing a letter from Major General Greene:

Ordered, That the same be referred to the Committee on the Post office.

The delegates of Massachusetts bay laid before Congress a letter, of June 10th, from the general assembly of that State, which was read:[3]

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

The committee, to whom was referred an extract of a letter from his excellency the governor of North Carolina, to the delegates of the said State, requesting that the troops of that State in the continental line, may be ordered to march to the southward for the defence of South Carolina, brought in a report; Whereupon,

[1] This letter is in the *Papers of the Continental Congress*, No. 78, III, folio 329.

[2] This letter is in the *Papers of the Continental Congress*, No. 59, III, folio 15.

[3] The Hazard letter is in the *Papers of the Continental Congress*, No. 61, folio 63; that of the Assembly of Massachusetts, in No. 65, I, folio 396.

Resolved, That the season of year renders it dangerous to the lives of the men, and that it will in other respects be inexpedient to march the troops of North Carolina in the continental line, from the main army to the southern states, but that as soon as it can consistently be done, Congress will cheerfully comply with the request of the said State. In the mean time, Congress earnestly recommend it to the State of North Carolina, to afford the army in South Carolina the reinforcements of which they stand in need, agreeably to their former recommendation.[1]

The Committee on the Treasury brought in a report; Whereupon,

TREASURY OFFICE, *July 12th, 1779*

The Committee on the Treasury beg leave to offer the following resolutions:

Resolved, That an interest of 6 p^{r} cent p^{r} annum be allowed on all certificates issued by the several Commissioners of the Continental Loan Offices for Bills of the emissions of May the 20th, 1777, and April 11th, 1778, deposited in order to be exchanged; and that the interest be computed from the date of each certificate to the time when money shall be lodged in the respective offices to pay off the same, provided that each person to whom such certificates have been issued shall previously take the following oath or affirmation: "I do "swear, or solemnly affirm, that I have not directly or indirectly since "the 2nd of January, 1779, obtained by discount any Bills of the "Emissions of May the 20th, 1777, and April 11th, 1778:"

Ordered, That a warrant issue on the treasurer, in favour of Joseph Carleton, pay master to the Board of War and Ordnance, for four millions eight hundred and seventy nine thousand five hundred and thirty eight dollars, which he is to transmit to the following commissioners of the continental loan offices, to enable them to exchange bills of the emissions

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 20, II, folio 351. The first draft is in No. 33, folio 307, also in the writing of James Duane. He has endorsed upon it, "Mr. Smith, Mr. Morris and J. Duane agreed to this report 9th July. Showed it to Mr. Laurence the 10th, who approved of it."

of May the 20, 1777, and April 11, 1778, the said commissioners to be accountable for the sums annexed to their names respectively; viz:

Nicholas Gilman, Esq. commissioner of the loan office in New Hampshire,	271,264 dollars
Nathaniel Appleton, Esq. commissioner of the loan office in Massachusetts bay	4,138,412
Joseph Clarke, Esq. commissioner of the loan office in Rhode island	399,862
Samuel Patterson, Esq. commissioner of the loan office in Delaware	70,000

Ordered, That a warrant issue on the treasurer, in favour of William Geddes, Esq. one of the commissioners of claims at the Treasury, for two thousand dollars on account of his salary; for which he is to be accountable.[1]

The President informed the House, that he had communicated to the Minister of France the resolution of Saturday, and that the Minister has agreed to meet Congress in a committee of the whole at 12 o'Clock this day.

Congress was resolved into a committee of the whole; and after some time, the President resumed the chair, and Mr. [Henry] Laurens reported,

That the Committee have had a conference with the Minister Plenipotentiary of France; but not being prepared to report the substance of the conference, desire leave to sit again.

Resolved, That to morrow morning Congress be resolved into a committee of the whole on the subject of the conference this day held with the Minister Plenipotentiary of France.[2]

Adjourned to 10 oClock to Morrow.

[1] This report is in the *Papers of the Continental Congress,* No. 136, III, folio 471.

[2] This resolution was entered only in the manuscript Secret Journal, Foreign Affairs.

TUESDAY, JULY 13, 1779

A letter, of 9, from General Washington, was read, enclosing copy of a letter, of 7th, from Governor Trumbull, and of one, from Colonel Sheldon:[1]

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

The members chosen, Mr. [Henry] Marchant, Mr. [Samuel] Huntington, and Mr. [John] Armstrong.[2]

A letter, of this day, from G[eorge] A. Baker, deputy commissary general of issues, was read,[3] mentioning sundry frauds in the department of the commissary of purchases:

Ordered, That it be referred to the Board of War, and that they take immediate and effectual measures for detecting the authors of the frauds mentioned, bringing them to punishment, and preventing like practices for the future.

A memorial of Francis Hopkinson, treasurer of loans, was read:[4]

Ordered, That it be referred to the Board of Treasury, and that they take order thereon.

A letter and memorial from Joseph Calvert, were read:

Ordered, That the same be referred to the Committee of Commerce, and that they take order thereon.

A memorial from Archibald McSparran and a letter, of April 20th, from John Brown, were read:[5]

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

On a report from the Board of War,

Resolved, That Captain M'Lane's company, now attached to the Delaware regiment, and the dismounted dragoons

[1] Washington's letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 519; that of Sheldon is on folio 527.

[2] This committee was discharged November 13, 1779.

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

[4] The memorial of Hopkinson is in the *Papers of the Continental Congress*, No. 41, IV, folio 79.

[5] The memorial of McSparran, dated the 10th, is in the *Papers of the Continental Congress*, No. 42, V, folio 148; the Brown letter is in No. 78, III, folio 309.

belonging to Major Lee's partizan corps, be formed into a fourth troop and added to the corps: this troop to be commanded by Captain M'Lane, and to serve on foot: the numbers of which it is to consist, to be ascertained, and the rest of the officers thereof to be appointed by the Commander in Chief.[1]

Mr. [John] Witherspoon and Mr. [Samuel John] Atlee, two of the members of the committee appointed to go to the New Hampshire grants, laid before Congress an account of their proceedings, which was read.

Mr. Witherspoon and Mr. Atlee, two of the Members of the Committee appointed to go to the New Hampshire Grants, beg leave to lay before Congress the following Account of their Proceedings:

That as soon after their Appointment as they had Reason to think the other Members had full information of their appointment and Time to meet them, they proceeded, and when at Albany sent an Express to Stockbridge to Mr. [Pierpont] Edwards, requesting him to forward it to the other Members that the Committee might meet at Bennington.

That the Subscribers not meeting with the other Members of the Committee, but having with them a Member of the New York Assembly, who lives upon the Grants, and had been himself one of the Prisoners taken by Colonel Allen, as well as finding at Bennington Mr. Chittenden, calling himself the Governor of the State of Vermont, and many others concerned in the Government of it, thought it their Duty to do any Thing in their Power to promote the Ends of their Mission, the rather, that the Committee were directed to make Enquiries to take measures to promote Peace and to report specially to Congress.

That they endeavoured to settle the present Disorders in the eastern part of the Grants by persuading Mr. Chittenden to write to his Adherents to forbear all Violence in the meanwhile, and by writing themselves to the People who adhered to the Government of New York. Copies of both Letters are herewith given in marked No. 1 and 2.

That they conversed at great Length with all the Persons then at

[1] This report is in the *Papers of the Continental Congress*, No. 147, III, folio 515. Present, Pickering and Peters.

Bennington and went at the Request of one of the Adherents of New York Government to Shaftesbury for the same Purpose; that they endeavoured by many Queries to obtain a clear View of the interfering Claims as to Property, to know the Disposition of the People, and to persuade them to an amicable accommodation of the Differences which have so long prevailed, and took in writing the Answers to the Queries by Mr. Chittenden, after consulting with a Member of his Council and Members of Assembly, which are now laid before Congress in a writing marked No. 3.

That they were treated by the People with great Givility and Respect, and were solemnly assured by them all that they did not mean to break the Union of the States or give Encouragement to the Common Enemy, but were heartily willing on Condition that Time was given them and due Notice to represent their Case, to submit themselves and finally to abide by the Decision of the United States in Congress assembled, as appears by the last part of the Paper above referred to, No. 3.

That after the Subscribers had returned to Albany in their Way home, they were overtaken by two Men who informed them that while they were at Bennington, there had been a new Disturbance in the eastern Part of the Grants where the Endeavours for settling the Differences were not known. On this Occasion they received a Letter from Mr. Chittenden, which with their Answer they lay before Congress, No. 4 and 5.

Upon the whole they hope that Matters will be quiet there untill Congress shall take some farther Steps in Consequence of the Information now laid before them.

JNO. WITHERSPOON
SAM[L] J. ATLEE[1]

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [John] Penn,

Ordered, That a warrant issue on the treasurer, in favour of Nathaniel Appleton, Esq. commissioner of the continental loan office in the State of Massachusetts bay, for six hundred dollars, to be paid to Lieutenant Carlton, the officer commanding the escort of bills of the emissions of May 20, 1777,

[1] This report, in the writing of John Witherspoon, is in the *Papers of the Continental Congress*, No. 41, I, folio 233.

and April 11, 1778, transmitted to the treasurer of loans by the said commissioner, who is to be accountable, and to be furnished with a copy of this order.

The delegates of Pensylvania laid before Congress a letter, of 12, from J. Reed, president of the said State, which was read:

Ordered, That it be referred to the committee for superintending the departments of the quarter master and commissary general.

Congress in a Committee of the Whole.[1]

Adjourned to 10 oClock to Morrow.

WEDNESDAY, JULY 14, 1779

~~Mr. Tench Francis was nominated for the office of cloathier general by Mr. Shippen.~~

A letter and memorial from J. Connolly, were read:

Ordered, That they be referred to the committee on a former memorial from him:

That two members be added to the said committee:

The members chosen, Mr. [William] Fleming, and Mr. [Frederick A.] Muhlenberg.

The Committee to whom sundry letters and memorials of John Connolly, now a prisoner in the new Jail of this city, were referred, having examined into the case of the said John Connolly, find that he is possessed of a commission signed by Lord Dunmore, and dated the fifth day of November, 1775, appointing him lieutenant colonel of a regiment called the Queen's rangers; and also a certificate signed H. Brooke, deputy superintendent general of the British forces, acknowledging lieutenant colonel Connolly's appointment, and that he had received his full subsistence to the 25th day of December, 1778;

Whereupon your committee beg leave to submit the following resolutions:

[1] This line was entered only in the manuscript Secret Journal, Foreign Affairs.

Resolved, that lieutenant colonel John Connolly, now a prisoner in the new jail of this city, be considered as a prisoner of war, any former resolution of Congress to the contrary notwithstanding.

Resolved, that the said lieutenant colonel Connolly be admitted to his parole, that he forthwith repair to such place, and be confined to such limits as the Board of War shall judge proper.[1]

The committee, to whom it was referred to prepare and report a further provision to be made for the officers of the army of the United States, brought in a report, which was read:

Ordered, That Friday next be assigned for taking the same into consideration.

The Board of War, to whom was referred the case of Herman Baron Zedwitz, brought in a report; Whereupon,

Resolved, That Herman Baron Zedwitz, formerly a lieutenant colonel in the service of these states, and who, for certain traiterous practices, was sentenced by a court martial to be confined during the war, be nevertheless, in consideration of his own unhappy condition, after a confinement of near three years, and the consequent distress of his wife and children, permitted to depart these states, together with his family, on giving his parole not to bear arms against the United States or their allies during the war; and that the Marine Committee be directed to provide a passage for them in a continental vessel to the West Indies, and furnish necessaries for the voyage thither, from whence they may return to their friends in Europe.[2]

Congress took into consideration a report of the Committee on the Treasury on the papers from the State and delegates of North Carolina, of the 14, 15, and 26 May last, and 2d of July instant; and thereupon,

[1] This report, in the writing of William Fleming, is in the *Papers of the Continental Congress*, No. 19, I, folio 589.

[2] This report, dated July 13 (present, Pickering and Peters), is in the *Papers of the Continental Congress*, No. 147, III, folio 513.

Ordered, That a warrant issue on the treasurer, in favour of the State of North Carolina, for one million dollars, for which the said State is to be accountable.

Mr. Eleazer McComb was nominated by the Board of Treasury to be appointed a commissioner of claims at the Board of Treasury.[1]

A letter, of March 4, from R. Izard, was read.[2]

Mr. [Henry] Laurens, from the committee of the whole House, appointed to confer with the Minister Plenipotentiary of France, reports:

That in obedience to the order of Congress, the committee of the whole have conferred with the Minister Plenipotentiary of France, who introduced the conference by saying, that he had received some despatches from his Court, which he was ordered to communicate to Congress; but that he expected no answer: that, though it was not the usual practice to offer communications of this nature in writing, yet as it had been intimated to him by the President, that this mode would be most agreeable to Congress, he had committed the heads of them to paper, not as a memorial, but merely for the assistance of the memory, in a form to which the term "ad statum legendi" is appropriated by the usage of the courts of Europe: That in reading the said paper, he would take the liberty of making some explanations and reflections.

He then proceeded to read the paper herewith delivered, marked No 1, divided into seven articles; and at the close of each separate article, he added explanations and reflections, the substance of which the com-

[1] This report, dated July 9, is in the *Papers of the Continental Congress*, No.136, III, folio 457. McComb was nominated by William Carmichael.

[2] This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 730.

mittee have endeavoured to recollect, and committed to writing in the paper marked No. 2.

~~contained in the Paper herewith also delivered, marked No. 2, and therein respectively referred to the 7 Articles of the first paper, by the figures, 1, 2, 3, 4, 5, 6, and 7.~~

~~After reading the first paper and making the explanations and reflections contained in the second, he delivered the first Paper into the hands of the chairman.~~

~~Your committee then observed to the Minister, that at a former Conference he intimated an Expectation, that the British Court would send over new Commissioners to negotiate with these States and to attempt seducing them into a separate Treaty; and as he had in the present Conference taken no notice of any such Design, desired to know, whether his silence on that subject proceeded from a persuasion in his Court, that the British Court had relinquished that Design. To which, the Minister replied, that his Court, having been silent on that Head, he concluded that the new Commissioners would not be sent, but that any Negotiations for a pacification would be carried on under the Mediation of Spain.~~

The committee then taking notice of what the Minister had said concerning a tacit assurance of the independence of these states, and the reluctance of the king of Great Britain to make an express acknowledgment thereof, requested to know his sense concerning the manner in which such tacit assurance could be given.

To which he, premising that what he should now say ought to be considered only as his private sentiments, replied, That the British Court would probably

endeavour to avoid an express acknowledgment by imitating precedents that had occurred in Europe on similar occasions, instancing the cases of the Swiss cantons, and of the United Provinces of Holland; that the mode adopted in the latter case had been for the archdukes, to whom the king of Spain had transferred his right of sovereignty, to treat with them "as with free and independent states." And that with respect to the said cantons, France had not been able to obtain more for them in the treaty of Münster than "a declaration that they should be in possession as of full liberty and exemption from the empire, and be, in no manner, subject to the jurisdiction thereof." ~~that it appeared probable to him that a Declaration more full and explicit than this might be obtained for these States~~ [But that, in his opinion, the circumstances of these states, and the manner in which they had conducted their opposition, would justify their expecting a more full declaration.][1]

No. I. Ad statum legendi

1. The king has approved all the overtures which were made by his Minister Plenipotentiary to the honourable Congress respecting the affairs of M. de Beaumarchais: Therefore a line ought to be drawn between the stores which this gentleman has been permitted to take out of the royal magazine, for which he has constituted himself debtor to the Department of the War, and between those articles which the same gentleman has bought in the way of common trade for the use of the United States.

2. A hint having been given to the Minister Plenipotentiary, that Congress desire to recruit their ships in France from the English prisoners there, the court in consequence of his representation is willing to facilitate this mode of recruiting seamen.

[1] This report, in the writing of John Dickinson, is in the *Papers of the Continental Congress*, No. 25, I, folio 115. The words in brackets were inserted by Thomson.

3. The King and Ministry were extremely pleased with the resolution Congress has taken to maintain only one Minister Plenipotentiary at this court, as well as with the exclusive appointment of so steady and honest a man, and so firm and so tried a patriot as D^r^ Franklin.

4. The Congress has given a very great satisfaction to the Court of France by the convenient and spirited step which was taken to disavow a certain ill-grounded and pernicious doctrine relating to the mutual obligation of the Allies to conclude no truce or peace without the knowledge and consent of each other. The Court of France is of opinion, that this doctrine could only be maintained by those men whose aim would be to seek, by any means, to weaken the ties of the alliance, and to create a disgust and diffidence between the Allies.

5. This Court has received with some surprise the intelligence, that Congress has published the treaties concluded with her, without the previous knowledge and consent of the interested party. It is not to be denied that such a proceeding is but little consistent with reason, and with the general practice of courts and nations. Nevertheless, this observation involves not any kind of reproach; but the King thinks, that so noble and so generous a system of politicks could but produce desirable effects by its publication.

6. The intelligence, that in the first month of last winter there were no adequate preparations made in America towards a vigorous and successful campaign, was received at Versailles with all the concern which the dangers of the United States, and the prolongation of the present contest, can create in the most friendly mind. The Court of France is fully of opinion, that the exertions of the United States are necessary to bring the common enemy to a proper sense of all the disappointments which he shall meet with.

7. This Court being very desirous to acquaint exactly Congress with the state of the affairs relating to the common cause, would not delay to inform this honourable body, that the Court of London showing on one side dispositions to a reconciliation with France, rejects on the other side the very idea of a formal and explicit acknowledgment of the independence of the United States, which his most Christian Majesty perseveres to hold up as a preliminary and essential condition. The behaviour of the

common enemy in this respect rendered a great deal more probable the conjecture which was communicated to Congress some time ago, that the point of honour and the pride of the King of England will be the greatest obstacle to the conclusion of the peace upon those explicit terms. And perhaps the manner of overcoming this difficulty will of course become the most decisive object of the deliberation of Congress, when this honourable body shall determine to make peace. It is presupposed whatever *mezzo termine* may be hit upon, that England shall treat with the United States as with a free people, and evacuate immediately all the territories belonging to them.

PHILADELPHIA, *July 12, 1779.*

No. II. [The substance of what the Minister said at the conference in explanation of the several articles in the foregoing paper, marked "ad statum legendi," as reported by the Committee.]

Art. 1. From the bills and accounts with which Congress have been furnished by M. de Beaumarchais, Congress would be enabled to distinguish those articles which were drawn from the royal magazines, and those which he supplied in the way of trade. For those last, Congress would, without doubt, make remittances to M. de Beaumarchais in their own way, to enable him to perform the contracts he had entered into as a merchant. That for the former articles, the King his master, taking upon himself to be creditor to the United States, would wait till Congress should find it convenient to make compensation.

Art. 2. Though his Court had not resolved to retaliate upon the prisoners in their hands for injuries done to prisoners taken by the common enemy, yet ~~considering the difficulty consequent with in manning their ships, owing partly to the measures pursued by that enemy in forcing American seamen to enter into the enemies service~~ for the reasons assigned, the King his master had assented to the proposal. But in carrying this matter into execution, it would be proper to take such precautions, and to give such orders to the captains, or other persons employed in this business, ~~that his Court would not be brought into any difficulties by granting this indulgence,~~ that it might be managed with prudence.[1]

[1] These first two paragraphs are in the writing of of John Dickinson.

Art. 3. There is every reason to believe that Congress will receive, very soon, proofs of the confidence which his Court was always willing to show to the servants of these states. The personal character of Dr. Franklin will enable the Court to act with a frankness becoming the alliance; and they will have no occasion to withhold any more the secrets which may interest the United States and the alliance.

Art. 4. The King his master, after this explicit step, relies, with the highest confidence, upon the candour and faithfulness of Congress in understanding as well as in executing the treaty, and in rejecting every arbitrary and unilateral interpretation, or construction, which false, subtile, or designing men could contrive.

Congress, by their own feelings, must be sensible, that such interpretations and constructions are always hurtful, against common decency and dignity, and may oftentimes endanger the mutual confidence, and, of course, the very existence of a treaty. But the sense Congress has manifested in this particular affair gives to his Court the greatest hopes that there shall be no further motive of remembering the painful reflections which that affair did give rise to.

Art. 5. He begs leave to add, that this publication interfered with the situation of affairs in Europe, and was in a certain degree disadvantageous to the common cause, because it gave the common enemy a full knowledge of our system, and our mutual engagements, without procuring us any reason to guess at their views and resolutions. Happily these inconveniences have not been felt, and ample compensation has been operated by convincing the people of America, not only that the treaty was just and equal, but that the heavy task which France has taken upon her, was magnanimous, gratuitous, and without reward. The whole world was at the same time convinced, that war, conquest and ambition, were not the objects of the alliance, nor of any of the allies, but only the peaceable enjoyment of the sovereignty, liberty, security and independency of these States; and this conviction gave much honour, credit and consideration to the alliance.

Art. 6. On this he observed, that he endeavoured, since the last fall, by order of his Court, to impress upon every mind, that England will never evacuate New York willingly, and could only

be brought, by proper exertions on the part of America, to think seriously of granting the independence. He believed Congress had adopted a system so conformable to their engagements, and to the situation of affairs. His Court was better informed than he was; but without reflecting on past events, the King hopes that his amicable apprehensions will be overcome by the success of the campaign; that henceforth the United States will follow the example given to them by his Majesty, and that they will exert themselves in their proper cause, as his Majesty does exert himself for their sake and in their cause which he has adopted.

Art. 7. He said that he was authorized to tell Congress, in confidence, that this reflection is the result of the observations which the Court of Spain made upon the conduct of England throughout her negotiation of mediation. That the British ministry seems to be solicitous to be reconciled with France, and to hold up this negotiation; that from thence probable hopes of their internal disposition to peace may be entertained; but at the same time, they reject with haughtiness the formal acknowledgment of the independence insisted upon by France and Spain. New orders have been given to the Spanish ambassador at London to ascertain, as nearly as possible, those dispositions. In these circumstances the King his master ordered him to communicate this intelligence to the United States, that they may, if they think proper, take under consideration, if it would not be expedient to give to their Plenipotentiary instructions and full powers founded upon the necessity of the conjunctures and upon the treaty of alliance, the express and formal terms of which are, that peace shall not be made without an express or tacit acknowledgment of the sovereignty, and consequently and *a fortiori*, of the rights inherent to sovereignty as well as of the independence of the United States, in matters of government and of commerce.

This substantial alternative in an engagement which is a mere gratuitous gift without any compensation, or stipulation, ought indeed never to be forgotten in a negotiation for peace. France foresaw the extreme difficulties a formal and nominal acknowledgment should meet with. She knew by her own experience in similar contests in which she has been deeply concerned, respecting the republicks of Holland, Genoa, and the Swiss cantons, how tenacious and repugnant monarchs are to pronounce

the humiliating formula. It was only obtained for Holland *tacitly*, after a war of thirty years; and explicitly, after a resistance of seventy. To this day Genoa and the Swiss have obtained no renunciation, nor acknowledgment, either tacit, or formal, from their former sovereigns. But they enjoy their sovereignty and independence only under the guarantee of France. His Court thought it important to avoid, that difficulties of this nature, which reside merely in words, should delay or prevent America from enjoying the thing itself. From these considerations the very important and explicit stipulation in the treaty of alliance, which he related just now, arose, and hath received the sanction of the United States. The circumstances seem already such as call forth the application of this alternative, of tacit or explicit acknowledgment. Therefore all those considerations are delivered, that Congress may, if they think proper, consider if the literal execution of the treaty in this point is not become necessary, and if the safety and the happiness of the American people, as well as the essential principles of the alliance, are not intimately connected with the resolutions which may be taken on this matter. And it remains by the prudence of Congress to examine if instructions upon some particular conditions may not frustrate the salutary purposes of the treaty of alliance relating to a tacit acknowledgment which the situation of affairs may require. In executing thus, the orders he has received, he cannot omit observing, that these orders were given with the full presumption, that the business which he laid before Congress in February last would have been long ago settled when those despatches should come to his hands. However sensibly his Court will be disappointed in her expectations, he shall add nothing to the information and observations which with the warmest zeal for the mutual interest and honour [of both countries,] and by the duties of his office and his instructions, he found himself bound to deliver from time to time to Congress, in the course of this business. The apprehension of giving new matter to those who endeavour to inculpate Congress, is a new motive for him to remain silent. He begs only leave to remind this honourable body of the aforesaid information and reflections, and particularly of those which he had the honour to deliver to an assembly similar to the present. He shall only insist on a single point,

which he established then and since in one of his memorials. It is, the manifest and striking necessity to enable Spain, by the determination of just and moderate terms, to press upon England with her good offices, and to bring her mediation to an issue, in order that we may know if we shall expect either war or peace. This step is looked upon in Europe as immediately necessary. It was the proper object of the message which he delivered in February last. He established then the strong reasons which may require, that at the same time and without delay, proper terms should be offered to his Catholick Majesty, in order to reconcile him perfectly with the American interest. He concealed not, that it was to be feared, that any condition inconsistent with the established system of the alliance, which is the binding and only law of the allies, and contrary to the line of conduct which Spain pursued in the course of her mediation, would lead her to drop the mediation, and prevent his Catholick Majesty, by motives of honour and of faithfulness, from joining in our common cause, and from completing the intended triumvirate. No loss, no unhappy event could be so heavy upon the alliance as this. Indeed although the British forces are already kept in check by the combined efforts of France and America, it is nevertheless evident that the accession of Spain only can give to the alliance a decided superiority adequate to our purposes, and free us from this fatal chance that a single unlucky event may overthrow the balance.[1]

The report and papers therein referred to being read,

Ordered, That the same be taken into consideration on Thursday next.

Motion of Mr. [John] Dickinson, seconded by Mr. [William Henry] Drayton.

Resolved, that a Body of thousand men be collected from the Militia of the States of on the Day of next, at such places as the Commander in Chief shall think proper.

That as soon as the said Militia shall be in readiness to cooperate with the army, Congress immediately adjourn to the place where the

[1] This minute, in the writing of Henry Laurens, is in the *Papers of the Continental Congress*, No. 25, I, folio 123. The proceedings are entered only in the manuscript Secret Journal, Foreign Affairs.

Army shall be, and that the members shall respectively join the Militia, and act with them in such important operations as shall be judged most expedient for advancing the welfare of these States.[1]

Adjourned to 10 oClock to Morrow.

THURSDAY, JULY 15, 1779

A letter, of 5th October, 1778, from A. Lee, accompanied with a copy of a letter from the commissioners to Mr. Jon: Williams and a copy of Mr. Williams' account;

One, of 18 November, 1778, from the same, enclosing a paper, entitled "an extract of the resolutions of the states of Holland and West Frizeland taken in an assembly of their nobles and their high mightinesses, September 8, 1778" containing 38 pages;

A letter, of 5th December, enclosing an invoice and bill of lading of 95 bales shipped by Messrs. Gardoqui and Sons, on board the *North Star;* one, of 5, and one, of 15 January, 1779, from the same, enclosing copies of correspondence between him and Count de Vergennes, relative to a paper from Doctor Berkenhaut;

One, of the 20 January, one of April 6, and one, without date, from the same, were read.

A memorial from Joseph Gridley, was read.[2]

Mr. Perzifor Frazer was nominated by Mr. [Thomas] M'Kean for the office of cloathier general:

Congress proceeded to the election; and, the ballots being taken, Mr. Perzifor Frazer was elected.

The delegates of Pensylvania laid before Congress a letter, of this day, from the president of that State, which was read:[3]

[1] This motion, in the writing of John Dickinson, is in the *Papers of the Continental Congress*, No. 36, I, folio 29. It is endorsed "July 14, 1779."

[2] This memorial, dated March 13, is in the *Papers of the Continental Congress*, No. 41, III, folio 415.

[3] This letter is in the *Papers of the Continental Congress*, No. 69, II, folio 87.

Ordered, That it be referred to the committee for arranging and correcting abuses in the quarter master and commissary departments.

On motion of Mr. [James] M'Lene, seconded by Mr. [Henry] Marchant,

Resolved, That the Marine Committee be, and they hereby are directed forthwith to cause the crews of vessels captured from the enemy, to be confined on board prison ships, and supplied and treated in all respects in the same manner as the crews of vessels belonging to these United States and captured by the enemy, are supplied and treated.

The Committee on the Commissary's and Quarter Master's Departments, to whom was referred the memorial of the Minister of France, of the 7th Inst., report:

That they have taken effectual measures to cause 4000 barrels of flour to be delivered to William Smith, Esq., at Baltimore, agent for Mr Holker, the same being part of 10,000 barrells provided for the use of his Most Christian Majesty.

That they have, agreeably to the wishes of Mons. Gérard, given orders for the delivery of 1000 bbls. of Flour to Mr Holker's agent at Philadelphia, which last quantity is to be of the growth of this State. This order they expect will be executed in part or in the whole, but if not, the quantity can in case of necessity be made up with ease from the magazines collected in Virginia and Maryland. Whereupon,

Resolved, That the Minister Plenipotentiary of France be informed, that 4000 bbls. of Flour shall be delivered to William Smith, Esq., agent of Mr Holker at Baltimore, and 1000 bbls. of Flour to Robert Morris Esq., agent of Mr Holker at Philadelphia, for the use of his Most Christian Majesty, including nevertheless the quantities mentioned in the Minister's memorial, and amounting to 653 barrells.[1]

Adjourned to 10 oClock to Morrow.

[1] This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 25, I, folio 137. It was printed in the *Secret Journals*, Domestic, Vol. I, p. 122.

FRIDAY, JULY 16, 1779

A letter, of 11, from Christopher Hele, was read:

Ordered, That it be referred to the Committee on former letters from the same.

A letter, of 14, from J. G. Duarti, was read:[1]

Ordered, That the report of the committee on the memorial from J. Codman and J. G. Duarti be taken into consideration on Monday next, immediately after reading the public dispatches.

The Committee, to whom was referred the Memorial of Mr John Codman, Junior, Agent for Captain John Garcia Duarte, of the Snow, *Nostra Senhora de Carmo è Santo Antonio*, the Memorial of the said Captain, and other papers respecting the capture of the said Snow and her cargo by Captain Joseph Cunningham, Commander of the private vessel of War, called the *Phenix*, report:

That they find Mr Carter Braxton, and Mr Phripp, of the State of Virginia, and Mr Robert Morris of this State, are concerned as owners in the said Privateer *Phenix*, and they cannot learn with certainty the names of any other owners. That in obedience to the order of the House they Attempted to confer with Mr Morris, by requesting in writing that he would meet them at the State House the 7th instant, at six o'Clock P. M, to which Mr Morris replied "that it was impossible for him to appear on behalf of the owners of the Privateer *Phenix*; that he was interested one twenty fourth part in that vessel; but was not authorized by the owners; that he did not know who they are, except Carter Braxton, Esquire, of Virginia; that Mr Braxton, and another gentleman in Virginia are authorized to act for the whole; that it would be improper for him to interfere, especially in a transaction that never had his approbation; that whatever charges should fall to his share he would readily comply with, and that he had pressed Mr Braxton to come up on the occasion."

Your Committee cannot but express their surprize at the reasons offered by Mr Morris for not interfering in this transaction at the present period, since it is apparent that he interfered "on behalf of

[1] Hele's letter is in the *Papers of the Continental Congress*, No. 78, XI, folio 439; that of Duarti, in No. 44, folio 87.

Mr Braxton and others, the owners of the Privateer *Phenix*" by his Memorial and Petition to Congress of the 6th March, 1778; and it is in consequence of the resolution of Congress of May 11th following passed conformably to the prayer of the said Memorial and Petition, that application is now made by Captain Duarti and his agent Mr Codman; And your Committee apprehend that Mr Morris, and each owner of the *Phenix*, is answerable for the consequences arising from orders given by any one or more of them under the authority and instructions of the whole.

The Committee have seen a certified copy of Mr Braxton's orders to Captain Cunningham dated the 16th December, 1776, in which the following words are contained:

"Or should you hear that the Portuguese are actually taking our vessels, in that case you may seize any of theirs."

And in the same orders Mr Braxton writes:

"The company to whom the Privateer *Phenix* belongs, have instructed Mr Phripp and myself to give such direction as appear to us necessary."

And your Committee find a letter of Instructions to the Prize-master [John] Wardwell, in which Captain Cunningham declares, that in seizing Captain Duarte's vessel he acted in obedience to his orders.

Your Committee are of opinion that the orders given by Mr Braxton were illegal and highly injurious to the good faith and honor of these United States, and that the original owners of the Portuguese Snow ought to obtain justice and reparation for all the losses and damages which they have sustained in consequence of such illegal orders.

They have conferred with Captain Duarte and Mr Codman, and find that by the aforesaid seizure, Captain Duarti, and the owners of the Snow have suffered considerable damages, amounting in gross to 4000 half Johannes, equal to £7100 Sterling, as appears by the account herewith delivered, and the Committee are well assured and believe that the several articles in the said account are very moderately rated.

Capt. Duarte and Mr Codman have informed the Committee that there remains in the Custody of the Board of War at Boston, 470⅜ half Johannes, and divers small pieces of Gold and Silver, the whole value according to the nearest computation amounting to £865 Sterling—And also one silver cup, and one plate and three

surplices set apart for church service which are not included in the Estimate of damages.

Your Committee recommend that the Board of War at Boston be directed to deliver to Captain Duarte or his order the above mentioned articles of half Johannes, small pieces of Gold and silver, and also the church furniture.

When the last mentioned sum of £865 Sterling is deducted from the first sum of £7100 Sterling, there will remain £6235, which is computed to be the real damage sustained by the Captain and owners of the Captured Snow.

Your Committee are of opinion, although by the Law of Nations Congress are not bound to make pecuniary satisfaction for acts committed in contrary to and in direct violation of their commissions by the Commander of any vessel of war belonging to any of these states, yet as from the present circumstances of the states it is difficult for injured Foreigners to obtain ample redress by the ordinary course of law in such instances as the present, your Committee for the manifestation of the good faith, honor, and justice of Congress, and from the peculiar circumstances attending the case beg leave to recommend:

That immediate satisfaction, be made to Captain Duarte and the owners of his Snow by granting to the said Captain bills of exchange for the amount of £6235 Sterling or an equivalent in livres tournois.

That the Board of Treasury be directed to prepare one or more setts of bills as Captain Duarte shall request for the said sum of £6235 on the Minister Plenipotentiary, at the Court of Versailles, payable in Paris eighteen months after date, with interest from the date at the rate of 6. per cent. per annum, granting four bills to each set, and that such bills be signed by the President of Congress.

The Committee further recommend that the most effectual measures be taken, in order to compel the owners of the Privateer *Phenix* to repay the said sum of £6235 Sterling, or to make provision for paying in due time the bills so to be drawn, together with the full interest and charges thereon. And for this purpose the following resolutions are submitted to the consideration of Congress.

Resolved, That the order given by Carter Braxton, Esq. of Virginia to Capt. Cunningham authorizing him to seize Portuguese Vessels, was illegal, contrary to, and in direct violation of, the commissions granted by Congress to Vessels of War, and highly injurious to the good faith, honor and interests of the United States of America.

Resolved, That each and every of the owners of the Privateer *Phenix* under whose authority or instruction such order was given is, and ought to be answerable for the consequences of carrying the order into execution.

Resolved, That it is necessary Captain Duarte should vest Congress or some person or persons to be nominated by them with full powers for recovering from the owners of the Privateer Ship of War *Phenix,* all the damages sustained by the capture of his Snow, and also that he should deliver to Congress every paper and document relative thereunto which are in his hands or in the hands of his Agent.

Resolved, That a clear and full state of the case of the Snow, *Nostra Senhora de Carmo è Santo Antonio,* and copies of all necessary vouchers be transmitted to his Excellency Thomas Jefferson, Esq. Governor of Virginia, and that he be requested in the name of the United States of America, to take the most speedy and effectual measures consistent with the laws and constitution of that State, for compelling Carter Braxton, Esq. Agent for the owners of the Privateer *Phenix,* and sole subscriber of the orders given Captain Cunningham, to repay the said sum of £6235 Sterling in good bills of exchange, or in gold or silver, or to give good and sufficient security to make provision for discharging in due time the bill or bills to be drawn for the said sum, together with the interest and charges thereon or for indemnifying these states, against all damages which may arise from a failure on his part.

The Committee find that there rests in the hands of the Board of War at Boston £15,246.13.9 lawful money of the State of Massachusetts, being the nett proceeds of the sale of the Portuguese Snow, and of so much of her cargo and effects as were sold in Boston, which sum ought to have been put into the Loan Office, agreeable to a resolution of Congress of the 11th of May, 1778, and they recommend that the said sum of £15,246.13.9 be delivered to Mr Braxton or his order, for the benefit of the Owners of the Privateer *Phenix,* immediately after he shall have paid the sum of £6235 Sterling or shall have given good and sufficient security for the payment thereof as abovementioned.

Lastly. The Committee recommend that copies of all the papers recommended to be sent to the Governor of Virginia, be transmitted to the President and Council of the State of Pennsylvania and that they be requested to call on Robert Morris, Esq in like manner as the Governor of Virginia is requested to call on Carter Braxton, Esq. in case full satisfaction shall not be obtained from Mr Braxton within

three months from the present date, of which due notice will be given by Congress.[1]

A petition of Evan Evans, Robert Allison and James Worrell, was read,[2] representing that by virtue of a resolution of the supreme executive council of Pensylvania, of 27 August, 1777, which was passed in pursuance of a recommendation of Congress, they took down the leaden spouts of sundry persons and delivered the same to Captain Joseph Watkins, commissary of ordnance and military stores; that the owners of the houses are demanding their money of the petitioners, and therefore praying Congress to appoint some persons to value the said lead and give orders for payment:

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

The Board of War report,

That they have attended to the letter of Colonel John Brown, relative to Colonel James Easton, referred to them, and upon examining into the case of Colonel Easton, they find that a charge had been exhibited against him and Colonel Brown, then Major Brown, by General Arnold, for plundering the effects of prisoners taken at Sorel: that on the 26 April, 1776, Congress resolved that the commissioners from Congress in Canada, should be instructed to cause enquiry to be made by a court martial, or otherwise, into the said charge, so far as it respected Colonel Easton: that on the first of August, 1776, Congress resolved that Colonel John Brown should be allowed the rank and pay of lieutenant colonel in the continental army from the 20 day of November, 1775, to that time:

That James Easton was entitled to the rank of colonel in the continental army from the 1st day of July, 1775, and to the pay of a colonel from that day until he should be discharged, which it was declared ought to be done as soon as

[1] This report is in the *Papers of the Continental Congress*, No. 44, folio 13.

[2] This petition, dated July 16, is in the *Papers of the Continental Congress*, No. 41, III, folio 51.

a court of enquiry should report in his favour, or a court martial should determine upon his conduct, and their sentence be carried into execution: that it seems no such enquiry or court martial has ever been, and at this late period, probably never will be held: that it was the duty of Colonel Easton long since to have procured such court to sit, or if that had been found impracticable, to have informed Congress thereof: that it does not appear he has done or attempted to do either, but has contentedly drawn his pay to this time; Whereupon,

Resolved, That Colonel James Easton be dismissed from the service of the United States.[1]

A letter, of the 14, from the Board of War, was read,[2] enclosing a letter of 26 June from Samuel Safford, lieutenant colonel, informing, that William Sherman, pay master of Colonel Warner's regiment, had offered to resign, which, as he has not settled the accounts of the regiment since raised, and has in his hands a considerable sum of money which is its due, the said lieutenant colonel thinks ought not to be admitted until his accounts are settled.

An address from A. Lee, Esq. to his excellency, the President of the hon^ble^ the Congress of the United States of America, dated Paris, February 10, 1779, was read, containing an answer "to a letter under the signature of Silas Deane, to the citizens of America", and accompanied with copies of letters and papers referred to therein as vouchers.

Resolved, That the Letters and vouchers transmitted by Arthur Lee, Esquire, relative to his vindication against charges, suggestions or representations of Silas Deane, Esquire, be sealed up and carefully preserved, until Congress shall determine to procede to hear and determine concerning the conduct of the said parties, which Congress will do as soon as they shall have gone through the Business of Finance,

[1] This report, dated July 14 (present, Pickering and Peters), is in the *Papers of the Continental Congress*, No. 147, III, folio 519.

[2] This letter is in the *Papers of the Continental Congress*, No. 147, III, folio 523. Safford's is on folio 527.

Foreign Affairs, and what relates to the Army and Navy of the United States, and not before.[1]

AT A BOARD OF WAR, *July 16, 1779.*

Present, Col Pickering and Mr Peters.

The Board having considered the letter of Colonel Malcolm, referred to them by Congress, beg leave to report:

That Officers left out of the late arrangement of the Army are not considered as retaining their rank or Command in the line.[2]

Adjourned to 10 oClock to Morrow.

SATURDAY, JULY 17, 1779

A letter, of 17th, from Ann Conyngham, and a petition from a number of the inhabitants of Philadelphia, were read, representing that Captain Gustavus Conyngham, now a prisoner with the enemy, is closely confined and ordered to be sent to England, and praying that measures may be taken for the security of his person:[3]

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

The members chosen, Mr. [Gouverneur] Morris, Mr. [John] Dickinson, and Mr. [William] Whipple.

A letter, of 16, from the Board of War, was read, representing the necessity of providing cloathing for the officers in the army.[4]

The Board of War, to whom was referred a petition from Mr. Samuel de Lucena, brought in a report; Whereupon,

AT A BOARD OF WAR, *July 16, 1779.*

Present, Col Pickering and Mr Peters.

The Board having considered the Memorial of Mr Samuel De Lucena, beg leave to report:

That it does not appear to us that Mr De Lucena, had any personal encouragement for the search for Sulphur Mines from Congress, or any

[1] An undated motion in the writing of Thomas Burke. It was seconded by James Duane. It is in the *Papers of the Continental Congress*, No. 36, IV, folio 153.

[2] This report is in the *Papers of the Continental Congress*, No. 147, III, folio 539.

[3] The letter of Ann Conyngham is in the *Papers of the Continental Congress*, No. 78, V, folio 371; the Pennsylvania petition, dated the 14th, is in No. 42, VI, folio 218.

[4] This letter is in the *Papers of the Continental Congress*, No. 147, III, folio 533.

Committee thereof, nor can we find any promises of reward held out to persons who should engage in such enquiries.

That altho' the memorialist (being well affected as we believe to the American cause) might have been prompted by a desire to serve the public, yet it is reasonable to presume that his predominant views were the private advantage he should gain, had his endeavors proved fortunate, by the high price of the Article its scarcity created. And as by a compliance with the memorialist's wishes a disagreeable precedent might be established for indemnifying all persons who have engaged in similar pursuits, from which no advantages have arisen to the public, the Board conceive it is expedient and proper that it should be

Resolved, That Mr. Samuel de Lucena has no just claim upon the United States for a reimbursement of his expences incurred in searching for sulphur mines, as set forth in his petition.[1]

On a recommendation and report of the Board of War,

Resolved, That William Wallace be appointed second lieutenant in Colonel Harrison's regiment of artillery, his commission to bear date May 1, 1779: that John Carson be appointed second lieutenant in ditto, his commission to bear date May 2, 1779: that Benjamin Mosely, Jun. be appointed second lieutenant in the said regiment, his commission to bear date May 3, 1779: that Alexander Thompson be appointed second lieutenant in Colonel Lamb's regiment of artillery, his commission to bear date May 31, 1779: that Henry Savage and Moses Porter be appointed second lieutenants in Colonel Crane's regiment of artillery, their commissions to bear date April 21, 1779.[2]

The commissioners of claims at the Treasury report,

That there is due to William Mentz, for red ink delivered the Inspectors of the press, the sum of one hundred dollars.[3]

[1] This report is in the *Papers of the Continental Congress*, No. 147, III, folio 537.

[2] This report, dated July 14 (present, Pickering and Peters), is in the *Papers of the Continental Congress*, No. 147, III, folio 517.

[3] Against this paragraph Jay wrote: "July 17, Committed to Treasury to take order."

That there is is due to Jonathan Gostelowe, for his services as an assistant commissary of military stores from August 1, 1776, to the 1st of February, 1777, being six months at forty dollars per month, the sum of two hundred and forty dollars.

That there is due to John Dunlap, for the amount of his account for newspapers, printing the 3d volume of the Journals of Congress, paper, &c. the sum of five thousand seven hundred and fifty six dollars.

That there is due to William Hurrie, for sundry services performed, and articles furnished for the use of Congress, the sum of one hundred and one dollars.

That there is due to the Reverend Monsr. Lotbinier, his pay and subsistance, as chaplain to Colonel Livingston's regiment, from June 10th to July 10, sixty dollars.[1]

Ordered, That the said accounts be paid.

Ordered, That so much of the report of the commissioners, as relates to William Mentz, be referred to the Board of Treasury, and that they take order thereon.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Joseph Carleton, paymaster to the Board of War and Ordnance, for five hundred and forty three thousand six hundred and eighty four dollars, which he is to transmit to John Lawrence, Esq. commissioner of the continental loan office for the State of Connecticut for the purpose of exchanging bills of the emissions of the 20 May, 1777, and April 11, 1778, for which the said commissioner is to be accountable.[2]

That a warrant isue on the treasurer, in favour of Joseph Carleton, Esq. paymaster to the Board of War and Ordnance, for two millions nine hundred and sixty nine thousand two

[1] This report, dated July 10, is in the *Papers of the Continental Congress*, No. 136, III, folio 465.

[2] This report, dated July 16, is in the *Papers of the Continental Congress*, No. 136, III, folio 481.

hundred and eighty two dollars, of which he is to transmit nine hundred and eighty thousand nine hundred and seventeen dollars to Derck Ten Broeck, Esq. commissioner of the continental loan office for the State of New York, and one million nine hundred and eighty eight thousand three hundred and sixty five dollars to Thomas Harwood, Esq. commissioner, as aforesaid, for the State of Maryland, for the purpose of exchanging bills of the emissions of May 20, 1777, and April 11, 1778, the said commissioners to be respectively accountable.

Resolved, That a warrant issue on the treasurer, in favor of Captain Bancke, for 3000 dollars, in consideration of the peculiar circumstances of his case, the expences he has incurred by coming to these States and offering his services in the Continental army; the said sum being advanced him in order to enable him to return to Europe; for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Robert Troup, Esq. secretary to the Board of Treasury, for fifteen hundred dollars, on account of his salary; for which he is to be accountable.[1]

That a warrant issue on the treasurer, in favour of John Beatty, commissary general of prisoners, for ten thousand dollars, for the use of his department; and for which he is to be accountable.

That a warrant issue on the treasurer, in favour of William Palfrey, Esq. paymaster general, for one million of dollars, to be by him transmitted to John Pierce, Esq. deputy paymaster general, for the use of the main army, and for which he the said deputy paymaster general is to be accountable.

That a warrant issue on the treasurer, in favour of William Young, steward to the President of Congress, for one thousand dollars, for which he is to be accountable.

[1] This report, dated July 13, is in the *Papers of the Continental Congress*, No. 136, III, folio 475.

That a warrant issue on the treasurer, in favour of John Biddle, Peter Thomson, Isaac Howell, Nathaniel Falconer and Isaac Snowden, inspectors of the continental press, for two thousand dollars, on account of contingent expences for their department, and for which they are to be accountable.

Resolved, That five million one hundred and eighty dollars be emitted on the faith of the United States, and under the direction of the Board of Treasury, in bills of the following denominations, viz.

27,028	bills of	80 dollars each,	2,162,240
27,028	do.	70	1,891,960
27,028	do.	20	540,560
27,028	do.	5	135,140
27,028	do.	4	108,112
27,028	do.	3	81,084
27,028	do.	2	54,056
27,028	do.	1	27,028
			5,000,180

That the said bills, excepting the numbers, be of the same tenor and date as those emitted the 7th day of May last, and be numbered from the last number in each respective denomination progressively.

Resolved, That a further sum of ten million one hundred dollars, in bills of credit of the United States, be emitted under the direction of the Board of Treasury, and on the faith of the United States;

That the bills shall, excepting the numbers, be of the same tenor and date as the emissions directed on the 4th June last, and be numbered from the last number in each denomination progressively, and consist of the following denominations, viz:

45,455	bills of	20 dollars each,	909,100
45,455	do.	50	2,272,750
45,455	do.	40	1,818,200
45,455	do.	30	1,363,650

45,455 bills of 20 dollars each,		909,100
45,455	do. 8	363,640
45,455	do. 7	318,185
45,455	do. 5	227,285
		$10,000,100[1]

On application of the Committee of Commerce,

Resolved, That a commission for a private vessel of war be granted to the said Committee of Commerce, to be by them granted to such person as they judge proper, under the same conditions as the like commissions are granted by the respective states.

The committee to whom were referred the petition and letter respecting Gustavus Conyngham, brought in a report; Whereupon,

Resolved, That the following letter from the secretary of Congress be written to the admiral or other commanding officer of the fleets or ships of his Britannic Majesty, lying in the harbor of New York:

SIR: I am directed by the Congress of the United States of America to inform you that they have received evidence that Gustavus Conyngham, a citizen of America, late commander of an armed vessel in the service of the said states, and taken on board a private armed cutter, hath been treated in a manner contrary to the dictates of humanity and the practice of Christian civilized nations. I am ordered in the name of Congress to demand that good and sufficient reasons be given for this conduct, or that the said Gustavus Conyngham be immediately released from his present rigorous and ignominious confinement.

With all due respect, I have the honor to be,

Sir, your most obedient and humble servant.

Resolved, That unless a satisfactory answer be received to the aforegoing letter on or before the first day of August next, the Marine Committee do immediately cause to be confined, in close and safe custody, such and so many persons as they

[1] This report, dated July 15, is in the *Papers of the Continental Congress*, No. 136, III, folio 477.

may think proper, in order to abide the fate of the said Gustavus Conyngham.

Ordered, That the above letter be immediately transmitted to New York by the Board of War, and that copies of the said letter and resolution be delivered to the wife of Captain Conyngham and to the petitioners.

Congress resumed the subject under debate the first of this month; and the third proposition and the amendment being read, a motion was made by Mr. [Samuel] Huntington, seconded by Mr. [William Henry] Drayton, that the farther consideration thereof be postponed.

On the question for postponing, the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,		
Mr. Whipple,	no	no
Peabody,	no	
Massachusetts Bay,		
Mr. Gerry,	no	no
Holten,	no	
Rhode Island,		
Mr. Marchant,	no	no
Collins,	no	
Connecticut,		
Mr. Huntington,	ay	ay
Spencer,	ay	
New York,		
Mr. Jay,	ay	ay
Duane,	ay	
Morris,	ay	
Lewis,	ay	
New Jersey,		
Mr. Fell,	ay	ay
Houston,	ay	
Pennsylvania,		
Mr. Shippen,	no	no
Muhlenberg,	ay	
M'Lene,	no	
Delaware,		
Mr. Dickinson,	ay	ay
Vandyke,	ay	
M'Kean,	ay	
Maryland,		
Mr. Carmichael,	ay	ay
Forbes,	ay	
Virginia,		
Mr. Smith,	ay	ay
Griffin,	ay	
Fleming,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Burke,	ay	
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	no	div.
Drayton,	ay	

So it was resolved in the affirmative.

The fourth proposition was then read, "That the "faith of Congress be pledged to the several states, "that, without their unanimous consent, no treaty of "commerce shall be formed with Great Britain pre- "vious to such stipulation."

A motion was made by Mr. [Samuel] Huntington, seconded by Mr. [Thomas] M'Kean, to amend the latter part so as to read, "no treaty of commerce "shall be entered into, or any trade or commerce "whatsoever carried on with Great Britain, without "an explicit stipulation on her part, not to molest or "disturb the inhabitants of the United States of Amer- "ica in taking fish on the banks of Newfoundland, "and other fisheries in the American seas any where, "excepting within the distance of three leagues of the "shores of the territories remaining to Great Britain, "at the close of the war, if a nearer distance cannot "be obtained by negotiation."[1]

Adjourned to 10 oClock on Monday.

MONDAY, JULY 19, 1779

A letter, of 16, from General Washington, was read, containing an account of General Wayne's surprising and taking prisoners the garrison at Stoney Point.

A letter, of 13, from General Washington, was read, enclosing copy of a letter, of 10, from Governor Trumbull, with a proclamation of S[r] George Collier and Major General Tryon, and Colonel Whiting's answer thereto; also copies of letters of 10 and 11, from Brigadier General Parsons, giving an account of the enemy's ravages and devasta-

[1] These proceedings were entered only in the manuscript Secret Journal, Foreign Affairs.

tions in Connecticut and particularly of their burning the towns of Fairfield, Norwalk and Bedford.[1] Whereupon,

Ordered, That the same be referred to the Committee of Intelligence.

That so much of the letter of 13th, from General Washington, as relates to money, be referred to the Board of Treasury.

Ordered, That the letter of 13th from General Washington, with the papers enclosed, be referred to a committee of three:

The members chosen, Mr. [Gouverneur] Morris, Mr. [William] Carmichael, and Mr. [William] Whipple.

A motion was made by Mr. [William Henry] Drayton, seconded by Mr. [John] Penn,

That the Marine Committee be, and are hereby directed to take the most effectual means to carry into execution the manifesto of October 30, 1778, by burning and destroying the towns belonging to the enemy in Great Britain and the West Indies.

On the question to agree to this, the yeas and nays being required by Mr. [William Henry] Drayton,

New Hampshire,		
Mr. Peabody,	ay	ay
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	no	no
Collins,	no	
Connecticut,		
Mr. Huntington,	no	no
Spencer,	no	
New York,		
Mr. Jay,	ay	div.
Duane,	no	
Morris,	no	
Lewis,	ay	
New Jersey,		
Mr. Fell,	no	div.
Houston,	ay	
Pennsylvania,		
Mr. Shippen,	ay	ay
Muhlenburg,	ay	
M'Lene,	ay	

[1] Washington's letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 529. The enclosures are on folios 493, 533, 537, 541, and 545.

Delaware,			*North Carolina,*		
Mr. Dickinson,	no		Mr. Penn,	no	
Vandyke,	no	no	Burke,	no	no
M'Kean,	ay		Sharpe,	no	
Maryland,			*South Carolina,*		
Mr. Carmichael,	ay		Mr. Laurens,	no	
Henry,	ay	ay	Drayton,	ay	div.
Forbes,	no				
Virginia,					
Mr. Smith,	ay				
Griffin,	no	ay			
Fleming,	ay				

So it was resolved in the affirmative.[1]

A memorial of Persifor Frazer, was read, declining on account of the salary, to accept the office of cloathier general;[2] Whereupon,

Ordered, That Congress proceed to a new choice.

~~A motion was made by Mr. Marchant, seconded by Mr. Shippen, that the election of a cloathier general be postponed; on which the yeas and nays being required by Mr. Morris,~~

~~New Hampshire,~~			~~New York,~~		
~~Mr. Whipple,~~	~~ay~~		~~Mr. Jay,~~	~~no~~	
~~Peabody,~~	~~ay~~	~~ay~~	~~Duane,~~	~~no~~	
~~Massachusetts Bay,~~			~~Morris,~~	~~no~~	~~no~~
~~Mr. Gerry,~~	~~no~~		~~Lewis,~~	~~no~~	
~~Holten,~~	~~ay~~	~~div.~~	~~New Jersey,~~		
~~Rhode Island,~~			~~Mr. Fell,~~	~~no~~	
~~Mr. Marchant,~~	~~ay~~		~~Houston,~~	~~no~~	~~no~~
~~Collins,~~	~~no~~	~~div.~~	~~Pennsylvania,~~		
~~Connecticut,~~			~~Mr. Shippen,~~	~~ay~~	
~~Mr. Huntington,~~	~~ay~~	~~ay~~	~~Muhlenberg,~~	~~no~~	~~ay~~
			~~McClene,~~	~~ay~~	

[1] This motion and vote were entered only in the manuscript Secret Journal, Domestic Affairs. In No. 152, VII, folio 495, is the draft of a letter, in the writing of William Whipple, from the Commercial Committee to Franklin, informing him of this action.

[2] This memorial, dated July 19, is in the *Papers of the Continental Congress*, No. 41, III, folio 193.

~~Delaware,~~		
~~Mr. Van Dyke,~~	~~no~~	~~div.~~
~~McKean,~~	~~ay~~	
~~Maryland,~~		
~~Mr. Carmichael,~~	~~no~~	~~no~~
~~Henry,~~	~~no~~	
~~Forbes,~~	~~no~~	
~~Virginia,~~		
~~Mr. Smith,~~	~~no~~	*
~~Fleming,~~	~~no~~	
~~North Carolina,~~		
~~Mr. Penn,~~	~~no~~	~~no~~
~~Sharpe,~~	~~no~~	
~~South Carolina,~~		
~~Mr. Laurens,~~	~~no~~	~~no~~
~~Drayton,~~	~~no~~	

~~So it passed in the negative.~~

Mr. James Wilkinson was nominated for the office by Mr. [John] Henry.

Mr. Peter Fell, by Mr. [James] Duane.

A letter, of 30 June, from General Washington, and one, of 18 July, from Colonel Daniel Morgan, were read:

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

Letter, of 14, from Thomas Johnson, governor of Maryland, was read.

The delegates of South Carolina laid before Congress a letter, of June 22, from J. Rutledge, governor of South Carolina, with sundry papers enclosed, relative to the attack of the enemy's lines at Stono ferry by Major General Lincoln.[1]

A letter, of 19, from John Morgan was read, enclosing sundry papers relative to his charges against Doctor Shippen:

Ordered, That copies thereof be sent to General Washington.

A letter, of 14, from Major General Greene, quarter master general, was read, enclosing a copy of a letter of July 1, from Thomas Chase:[2]

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

[Adjourned to 10 oClock to Morrow.]

[1] Morgan's letter is in the *Papers of the Continental Congress*, No. 78, XV, folio 473; that of Johnson, in No. 70, folio 331; that of Rutledge, with the enclosures, in No. 72, folios 498–508.

[2] Morgan's letter is in the *Papers of the Continental Congress*, No. 63, folio 133; that of Greene, in No. 155, I, folio 147; that of Chase on folio 151.

TUESDAY, JULY 20, 1779

A letter, of 9th, from the governor of Rhode Island, was read.

A letter, of June 23, from John Allan, at Machias, to J. Powell, Esq., president of council of Massachusetts bay, was read.

A letter, of 19, from J. G. Duarti, was read: [1]

Ordered, To lie on the table.

Congress took into consideration the report of the committee, to whom was committed the report of the committee on a memorial from J. G. Duarti; after debate,

Ordered, That it be referred to a committee of three, and that the committee report to morrow morning immediately after reading the journal, and that the report be then considered:

The members chosen, Mr. [Samuel] Huntington, Mr. [James] Lovell, and Mr. [Gouverneur] Morris.

A petition of John Macpherson, was read: [2]

Ordered, That it be referred to the Board of War, and that they take order thereon.

Mr. [Henry] Marchant, one of the delegates of the State of Rhode island, &c., laid before Congress an estimate of the value of certain goods belonging to Messrs. Cromwell and Caleb Child and Moses Turner, of Warren, in the State aforesaid, destroyed the 26 of May, 1778, by the British troops blowing up a store belonging to the said Cromwell and Caleb Child, part of which was at that time in the continental use as a magazine, praying in behalf of the owners that such order may be made thereon as that justice may be done.[3]

[1] Governor Greene's letter is in the *Papers of the Continental Congress*, No. 64, folio 450; that of Allan, in No. 78, I, folio 287; that of Duarti, in No. 44, folio 91.

[2] This petition is in the *Papers of the Continental Congress*, No. 42, V, folio 154.

[3] Marchant's letter, dated July 20, is in the *Papers of the Continental Congress*, No. 167, folio 25. The estimate is on folio 33.

Ordered, That the same be referred to the Board of Treasury.

Adjourned to 10 oClock to Morrow.

WEDNESDAY, JULY 21, 1779

An appeal from the court of admiralty for the State of New Jersey on the libel Oliver Gleason and Samuel Ball *v* ship *Mermaid*, Job Carr and *al.* claimants, was lodged with the Secretary and referred to the Committee on Appeals.

The committee on the memorial of Captain J. G. Duarti, and the reports thereon, according to order brought in a report; Whereupon,

Resolved, That the Board of War at Boston forthwith deliver to the said John Garcia Duarti, if he shall require it, or to his order, all the coin now in their hands, and all the goods yet unsold, being parts of the cargo of the snow "*Nostra Senhora del Carmel et Saint Antonio.*"

On the question to agree to this, the yeas and nays being required by Mr. [Henry] Laurens,

New Hampshire,		
Mr. Peabody,	ay	ay
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Connecticut,		
Mr. Huntington,	ay	ay
Spencer,	ay	
New York,		
Mr. Jay	ay	ay
Duane,	ay	
Morris,	ay	
New Jersey,		
Mr. Fell,	ay	ay
Houston,	ay	
Pennsylvania,		
Mr. Muhlenberg,	ay	ay
M'Lene,	ay	
Delaware,		
Mr. M'Kean,	ay	ay
Maryland,		
Mr. Carmichael,	ay	ay
Henry,	ay	
Forbes,	ay	
North Carolina,		
Mr. Burke,	ay	ay
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	

So it passed in the affirmative.

Resolved, That authenticated copies of the said memorial and representation of the said John Garcia Duarti, and all the other papers relative to the said snow, her cargo, and proceedings had thereon, be transmitted to his excellency the governor of the State of Virginia, and like copies transmitted to his excellency the president of the State of Pensylvania, and to the honorable the council of Massachusetts bay; and that it be recommended to the said powers respectively to cause the most speedy and effectual measures to be taken, that full reparation and satisfaction be made and given to the said John Garcia Duarti, and the owners of the said snow and cargo, for the injury sustained in the capture and detention of the said snow by Joseph Cunningham, late commander of the private armed schooner *Phœnix,* as appears from the papers and exhibits afore mentioned.

Resolved, That it be further recommended to the said powers, that the most effectual measures be taken, within their respective jurisdictions, for apprehending and bringing to condign punishment the said Joseph Cunningham, Carter Braxton, and any other person or persons that may be justly deemed guilty of the seizing and capture of the said John Garcia Duarti, with the said snow, her crew and cargo, in violation of the laws of nations; to the end, that the good faith and honour of these United States, the rights of neutrality and laws of nations, may be inviolably maintained and supported:[1]

On the question for inserting "Carter Braxton," which was moved by Mr. [Elbridge] Gerry and seconded by Mr. [Henry] Laurens, the yeas and nays being required by Mr. [Cyrus] Griffin,

[1] This report, in the writing of Samuel Huntington, is in the *Papers of the Continental Congress,* No. 44, folio 5.

New Hampshire,			*Pennsylvania,*		
Mr. Peabody,	ay	ay	Mr. Muhlenberg,	ay	ay
Massachusetts Bay,			M'Lene,	ay	
Mr. Gerry,	ay		*Delaware,*		
Lovell,	ay	ay	Mr. M'Kean,	ay	ay
Holten,	ay		*Maryland,*		
Rhode Island,			Mr. Carmichael,	ay	
Mr. Marchant,	ay	ay	Henry,	ay	ay
Connecticut,			Forbes,	ay	
Mr. Huntington,	ay		*Virginia,*		
Spencer,	ay	ay	Mr. Griffin,	no	*
New York,			*North Carolina,*		
Mr. Jay,	ay		Mr. Burke,	no	
Morris,	ay	ay	Sharpe,	ay	div.
New Jersey,			*South Carolina,*		
Mr. Fell,	ay		Mr. Laurens,	ay	
Houston,	ay	ay	Drayton,	ay	ay

So it was resolved in the affirmative.

On the question to agree to the resolution, the yeas and nays being required by Mr. [Henry] Laurens,

New Hampshire,			*Pennsylvania,*		
Mr. Whipple,	ay		Mr. Muhlenberg,	ay	
Peabody,	ay	ay	M'Lene,	ay	ay
Massachusetts Bay,			*Delaware,*		
Mr. Gerry,	ay		Mr. M'Kean,	ay	*[1]
Holten,	ay	ay	*Maryland,*		
Lovell,	ay		Mr. Carmichael,	ay	
Rhode Island,			Henry,	ay	ay
Mr. Marchant,	ay	ay	Forbes,	ay	
Connecticut,			*Virginia,*		
Mr. Huntington,	ay		Mr. Griffin,	ay	*
Spencer,	ay	ay	*North Carolina,*		
New York,			Mr. Burke,	no	
Mr. Jay,	ay		Sharpe,	ay	div.
Duane,	ay	ay	*South Carolina,*		
Morris,	ay		Mr. Laurens,	ay	
New Jersey,			Drayton,	ay	ay
Mr. Fell,	ay				
Houston,	ay	ay			

[1] An error in the entry; the vote should be carried out as ay.

So it was resolved in the affirmative.

A letter, of the 20, from the Board of War was read,[1] representing the difficulties they incur by taking order on the petition of Captain Macpherson; Whereupon a motion was made by Mr. [James] Duane, seconded by Mr. [Henry] Marchant,

That the Board of War be directed to supply Captain Macpherson with the powder for which he petitions, not exceeding 1300 lb.

On which the yeas and nays being required by Mr. [William] Whipple,

New Hampshire,			*Pennsylvania*,		
Mr. Whipple,	no	no	Mr. McLene,	ay	ay
Peabody,	no		*Delaware*,		
Massachusetts Bay,			Mr. McKean,	ay	ay
Mr. Gerry,	ay	ay	*Maryland*,		
Holten,	ay		Mr. Carmichael,	ay	ay
Rhode Island,			Henry,	ay	
Mr. Marchant,	ay	ay	Forbes,	no	
Connecticut,			*Virginia*,		
Mr. Huntington,	no	no	Mr. Griffin,	ay	*
Spencer,	no		*North Carolina*,		
New York,			Mr. Burke,	no	no
Mr. Jay,	ay	ay	Sharpe,	no	
Duane,	ay		*South Carolina*,		
Morris,	ay		Mr. Laurens,	ay	ay
New Jersey,			Drayton	ay	
Mr. Fell,	no	no			
Houston,	no				

So it was resolved in the affirmative.

Adjourned to 10 oClock to Morrow.

[1] This letter is in the *Papers of the Continental Congress*, No. 147, III, folio 541.

THURSDAY, JULY 22, 1779

Mr. J[oseph] Hewes, a delegate for North Carolina, attended, and took his seat in Congress.

After reading the journal of yesterday, a motion was made by Mr. [John] Penn, seconded by Mr. [William] Fleming, to reconsider the report of yesterday respecting the capture of the snow *Nostra Senhora del Carmel et Saint Antonio*.

On which the yeas and nays being required by Mr. [Henry] Laurens,

New Hampshire,		
Mr. Whipple,	no	no
Peabody,	no	
Massachusetts Bay,		
Mr. Lovell,	no	no
Holten,	no	
Rhode Island,		
Mr. Marchant,	no	no
Collins,	no	
Connecticut,		
Mr. Huntington,	no	no
Spencer,	no	
New York,		
Mr. Jay,	no	no
Duane,	no	
Morris,	no	
Lewis,	no	
New Jersey,		
Mr. Fell,	no	no
Houston,	no	
Pennsylvania,		
Mr. Armstrong,	no	no
Muhlenberg,	no	
M'Lene,	no	
Delaware,		
Mr. Dickinson,	no	no
M'Kean,	no	
Maryland,		
Mr. Henry,	no	no
Forbes,	no	
Virginia,		
Mr. Smith,	ay	ay
Fleming,	ay	
Griffin,	ay	
North Carolina,		
Mr. Penn,	ay	div.
Hewes,	excused	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	

So it passed in the negative.

A petition of [Francis] the Chevalier de la Nos and others was read:

Ordered, That it be referred to the Marine Committee.

A memorial of Pierre Eugene du Simitière, was read:[1]

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

The members chosen, Mr. [John] Dickinson, Mr. [William] Fleming, and Mr. [William Churchill] Houston.

A copy of a letter from Captain Barry, and of one from Captain John Young, to their owners, were laid before Congress, and read:

Ordered, That they be referred to the delegates of Delaware and Maryland, and that they take order thereon.

A representation of Lieutenant Colonel David Brearley, Jun. was read,[2] setting forth, "that the State of New Jersey, to which he belongs, has lately appointed him chief justice of that State, an office important and honourable, but not lucrative, and have requested him in the strongest manner to retire from the army and enter upon the duties of that office: that he is determined to comply with their request; but is very desirous of holding his rank in the army without pay."

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [Nathaniel] Peabody,

Resolved, That the desire of Lieutenant Colonel David Brearley, Jun. to hold his rank in the army, after he shall have accepted the office of chief justice to the State of New Jersey, cannot be complied with.

Mr. Edmund Randolph, a delegate from the State of Virginia, attended and produced the credentials of his appointment, which were read, as follows:

VIRGINIA, to wit.

IN GENERAL ASSEMBLY,
Friday the 18th, June, 1779.

Resolved, That Edmund Randolph, Gabriel Jones, James Mercer, and William Fitzhugh, Esquires, be appointed Delegates to represent

[1] The petition of La Nos, Jules Aime Le Moine, Chevalier de Neufville, Julien Bouchard, and Joseph du Tetre, dated July 21, is in the *Papers of the Continental Congress*, No. 41, VII, folio 33; that of Du Simitière, in No. 41, IX, folio 84.

[2] This representation, dated July 21, is in the *Papers of the Continental Congress*, No. 43, folio 53.

this Commonwealth in General Congress, until the first Monday in November next, in the room of Francis Lightfoot Lee, Thomas Nelson, jun. Thomas Adams, and Richard Henry Lee, Esquires, who have resigned; they having been so elected by joint Ballot of both houses of Assembly.

ARCHIBALD CARY, *S. S.*
BENJ^A HARRISON, *Sp. H. D.*[1]

The Board of Treasury, to whom was referred the memorial of Francis Hopkinson, treasurer of loans, with power to take order thereon, brought in a report; Whereupon

Ordered, That a warrant issue on the treasurer, in favour of Francis Hopkinson, Esquire, treasurer of loans, for five thousand five hundred and three dollars and 30/90 of a dollar, in full of his salary as treasurer of loans, and the contingent expences of clerk hire, office rent, fire wood, candles and stationary, as treasurer of loans, and for the commissioners for destroying the bills taken out of circulation to the 27 of this instant, July, as settled by the Board of Treasury, agreeably to the order of Congress of the 13 instant.

Ordered, That a warrant issue on the treasurer, in favour of Joseph Carleton, paymaster to the Board of War and Ordnance for two millions, seven hundred and eighty seven thousand five hundred and fifty seven dollars and 60/90, to be by him transmitted to William Armistead, Esq. commissioner of the continental loan office in the State of Virginia, for the purpose of exchanging bills of the emissions of May 20, 1777, and April 11, 1778, for which he the said commissioner is to be accountable.[2]

Whereas great numbers of the privates of the convention troops have deserted, and are daily deserting, and there is great reason to believe they are encouraged thereto by their officers:

[1] The original is in the *Papers of the Continental Congress*, Virginia, *Credentials of Delegates*. A second copy, signed by the Clerks of the respective Houses, is in the same volume.

[2] This report, dated July 20, is in the *Papers of the Continental Congress*, No. 136, III, folio 489.

Resolved, That the Board of War be authorized at their discretion, to take effectual measures to prevent the desertion of the said troops.

Congress proceeded according to the order of the day to the consideration of the report on the letters from A. Lee, Esq. and the communications of the Minister Plenipotentiary of France, and some time being spent thereon,

Congress proceeded in the consideration of the subject under debate on the 17th; and on the question to agree to the amendment,

Resolved in the affirmative.

A motion was then made by Mr. [Thomas] Burke, seconded by Mr. [Meriwether] Smith, to strike out the words "without their unanimous consent."

And on the question, Shall those words stand, the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,			
Mr. Whipple,	ay	} ay	
Peabody,	ay		
Massachusetts Bay,			
Mr. Gerry,	ay	} ay	
Lovell,	ay		
Holten,	ay		
Rhode Island,			
Mr. Marchant,	ay	} ay	
Collins,	ay		
Connecticut,			
Mr. Huntington,	ay	} ay	
Spencer,	ay		
New York,			
Mr. Jay,	ay	} ay	
Duane,	ay		
Morris,	ay		
Lewis,	ay		
New Jersey,			
Mr. Fell,	ay	} ay	
Houston,	ay		
Pennsylvania,			
Mr. Armstrong,	ay	} ay	
Shippen,	ay		
Muhlenberg,	ay		
M'Lene,	ay		
Delaware,			
Mr. Dickinson,	no	} div.	
M'Kean,	ay		
Maryland,			
Mr. Carmichael,	no	} no	
Henry,	no		
Forbes,	no		
Virginia,			
Mr. Smith,	no	} no	
Griffin,	no		
Fleming,	no		
North Carolina,			
Mr. Penn,	no	} no	
Burke,	no		
Sharpe,	no		
South Carolina,			
Mr. Laurens,	ay	} ay	
Drayton,	ay		

So it was resolved in the affirmative.

A motion was made by Mr. [Thomas] Burke, seconded by Mr. [John] Dickinson, to amend the proposition by adding, "Provided, that this resolution shall not impede "a treaty for concluding the present war."

On the question to agree to this amendment, the yeas and nays being required by Mr. [Thomas] Burke,

New Hampshire,		
Mr. Whipple,	no	no
Peabody,	no	
Massachusetts Bay,		
Mr. Gerry,	no	no
Lovell,	no	
Holten,	no	
Rhode Island,		
Mr. Collins,	no	no
Connecticut,		
Mr. Huntington,	no	no
Spencer,	no	
New York,		
Mr. Jay,	no	no
Duane,	no	
Morris,	no	
Lewis,	no	
New Jersey,		
Mr. Fell,	no	no
Houston,	no	
Pennsylvania,		
Mr. Armstrong,	no	no
Shippen,	no	
Muhlenberg,	no	
M'Lene,	no	
Delaware,		
Mr. Dickinson,	ay	div.
M'Kean,	no	
Maryland,		
Mr. Carmichael,	ay	no
Henry,	no	
Forbes,	no	
Virginia,		
Mr. Smith,	no	no
Griffin,	no	
Fleming,	no	
North Carolina,		
Mr. Penn,	ay	ay
Burke,	ay	
Hewes,	no	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	

So it passed in the negative.

A motion was then made by Mr. [Meriwether] Smith, seconded by Mr. [Thomas] Burke, to add, "Provided "this resolution shall not be binding on any, unless a "majority of the states in this union shall agree to make

"peace with Great Britain, according to the terms of the "treaty of alliance with France."

On the question to agree to this amendment, the yeas and nays being required by Mr. [Meriwether] Smith,

New Hampshire,		
Mr. Whipple,	no	no
Peabody,	no	
Massachusetts Bay,		
Mr. Gerry,	no	no
Lovell,	no	
Holten,	no	
Rhode Island,		
Mr. Marchant,	no	no
Collins,	no	
Connecticut,		
Mr. Huntington,	no	no
Spencer,	no	
New York,		
Mr. Jay,	no	no
Duane,	no	
Morris,	ay	
Lewis,	no	
New Jersey,		
Mr. Fell,	no	no
Houston,	no	
Pennsylvania,		
Mr. Armstrong,	no	no
Muhlenberg,	no	
M'Lene,	no	
Delaware,		
Mr. Dickinson,	ay	div.
M'Kean,	no	
Maryland,		
Mr. Carmichael,	ay	ay
Henry,	no	
Forbes,	ay	
Virginia,		
Mr. Smith,	ay	ay
Griffin,	ay	
Fleming,	ay	
Randolph,	excused	
North Carolina,		
Mr. Penn,	ay	ay
Burke,	ay	
Hewes,	ay	
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	

So it passed in the negative.

On the question to agree to the proposition as amended, the yeas and nays being required by Mr. [James] Forbes,

New Hampshire,		
Mr. Peabody,	ay	ay
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant.	ay	ay
Connecticut,		
Mr. Huntington,	ay	ay
Spencer,	ay	
New York,		
Mr. Jay,	ay	ay
Duane,	ay	
Morris,	ay	
Lewis,	ay	
New Jersey,		
Mr. Fell,	ay	ay
Houston,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Shippen,	ay	
Muhlenberg,	ay	
M'Lene,	ay	
Delaware,		
Mr. Dickinson,	no	div.
M'Kean,	ay	
Maryland,		
Mr. Henry,	no	no
Forbes,	no	
Virginia,		
Mr. Smith,	no	no
Griffin,	no	
Fleming,	no	
Randolph,	excused	
North Carolina,		
Mr. Penn,	no	no
Burke,	no	
Hewes,	no	
Sharpe,	no	
South Carolina,		
Mr. Drayton,	ay	ay

So it was resolved in the affirmative,

That the faith of Congress be pledged to the several states, that without their unanimous consent, no treaty of commerce shall be entered into, or any trade or commerce whatever carried on with Great Britain, without an explicit stipulation on her part not to molest or disturb the inhabitants of the United States of America in taking fish on the banks of Newfoundland and other fisheries in the American seas any where, excepting

within the distance of three leagues of the shores of the territories remaining to Great Britain at the close of the war, if a nearer distance cannot be obtained by negotiation.[1]

Adjourned to 10 oClock to Morrow.

FRIDAY, JULY 23, 1779

A memorial of the officers and citizens, prisoners on Long Island, was read:[2]

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

The members chosen, Mr. [Samuel] Huntington, Mr. [Thomas] McKean, and Mr. [Henry] Marchant.

A letter, of June 4, from Brigadier Count Pulaski, was read:[3]

Ordered, That so much thereof as relates to money be referred to the Board of Treasury, and the letter to the Board of War.

On a report from the Board of War,

Resolved, That the resignation of Lieutenant Andrew Caldwell, of Captain Coren's company of laboratory artillery men, be accepted.[4]

Whereas in the unsettled state of public affairs, during the contest with Great Britain, the necessities of the United Colonies or States induced their officers in sundry places, to take possession of divers lots or pieces of ground in many of the United Colonies now States, and barracks, hospitals, stables, store houses and other buildings have been erected thereon, sometimes without the express consent of the proprietors of the land, many of whom now either claim exorbitant rents, or attempt to seize upon and hold or remove the buildings which

[1] These proceedings were entered only in the manuscript Secret Journals, Foreign Affairs.

[2] This memorial, dated June 18, is in the *Papers of the Continental Congress*, No. 41, VII, folio 255.

[3] This letter is in the *Papers of the Continental Congress*, No. 164, folio 102.

[4] This report, dated July 21 (present, Pickering and Peters), is in the *Papers of the Continental Congress*, No. 147, III, folio 553.

were so built without the express consent of the said proprietors, or where terms have been agreed on and the times for which the grounds were taken are expired.

Resolved, That it be recommended to the legislatures of the respective states, to make effectual provision by laws for the preservation of the buildings belonging to the United States within their respective jurisdictions, and for the punishment of those who shall seize upon or injure the same: and that in cases where there are considerable buildings which cannot be removed with convenience to the public, the proprietors of the ground be obliged to suffer the buildings to remain thereon, at least during the war, receiving therefor such compensation as shall be[1] allowed by indifferent and proper persons duly appointed and authorized to appraise and value the same: that all grounds or places occupied for the purposes of defence, although the property of individuals, shall remain during the war appropriated (if not before that time abandoned by orders of the proper authority,) for the military purposes intended by their being possessed by the troops: and that no encroachments shall be made on the said grounds or places; but the officer commanding at the post shall remove all such encroachments on the dependencies of the garrison, the forts or any out-works thereof, so that such extent of ground shall remain unoccupied for any private purpose round the forts or garrisons, as the defence of the same posts may require; [and that compensation be made to the

[1] At this point the original report continued: "agreed on by the Quarter Master General, his deputies or assistants, at the posts or places where the buildings are erected, and the owners of the soil, or any persons on their behalf; and where voluntary agreements can't be made, appraisers be appointed by the executive powers of the State (on application of the Quarter Master General or his assistants, or the owner or owners of the soil, or any person on his, her or their behalf) who shall value, appraise and fix the rent, or yearly sum, which, according to circumstances, from time to time, the United States shall pay, and the proprietor be obliged to receive, for the use and occupation of the site of the buildings, or so much of the ground as is or shall be necessarily occupied or held therewith for public purposes."

proprietors of such grounds in the manner herein before mentioned:][1]

That where permanent buildings are erected with the consent of the owners of the ground, and no price is agreed on or transfer made thereof, if voluntary agreements cannot be made, the appraisers so to be appointed as herein before mentioned, shall value and appraise the ground on which such building is erected, according to circumstances, and on receipt or tender of the amount of such appraisement, the said ground be vested in and considered as the property of the United States, in fee simple or otherwise, according to the estate held therein by the proprietor or former occupant thereof.[2]

And whereas divers persons become possessed of the property of the United States, either expressly delivered to their care on public roads from an impossibility to transport the same to the place or places of destination by badness of roads, breaking down of teams or other causes, or by finding or taking the same:

Resolved, That it be also recommended to the said legislatures to make provision by law, to oblige persons possessed of horses, cattle, stores, or other][3] property belonging to the United States, to deliver the same on demand to the proper officer, or in case no demand is made, to give notice thereof in a limited time to the executive power of the State wherein they reside, or to the nearest quarter master, commissary or public agent, and imposing heavy fines on such who neglect or refuse so to do; and in cases of felonies committed on the property of the United States, that persons guilty thereof be brought to immediate and exemplary punishment.[4]

[1] The words in brackets are inserted in the origial report by John Jay.

[2] On the margin, against this paragraph, is written: "Referred to [Edmund] Randolph, [Samuel] Huntington and [James] Duane." See under July 24, p. 883, *post*.

[3] Words inserted by John Jay.

[4] This report, dated July 21 (present, Pickering and Peters), is in the *Papers of the Continental Congress*, No. 147, III, folio 545.

The Board of War having reported a plan for regulating the hide department, Congress took the same into consideration; and thereupon,

Resolved, That whensoever the business of the hide department shall require it in any State, the Board of War be authorized and directed to appoint a proper person to be commissary of hides therein, removable by the said Board for mismanagement, or when by the alteration of circumstances in the particular State no such officer is further necessary: provided, that when the business of the department will admit of it, two or more states may, by the said Board, be put under the direction of one commissary:

That the Board of War draw up instructions, from time to time, for the direction and government of the commissaries of hides in the respective states, and they are hereby enjoined to regulate their conduct by such instructions:

That it be recommended to the executive powers of the respective states, in which commissaries of hides are thought necessary to be appointed, to superintend their conduct, and in case of delinquency to suspend the person acting in that office, informing Congress, or the Board of War thereof, and of the reason on which such suspension is founded:

That the cloathier general have the superintendence of the commissaries of hides, and that he be allowed a clerk extraordinary to enable him to transact the business with the said commissaries, who shall make returns at least quarterly to the cloathier general, and he shall draw the whole of the returns received from the several commissaries into a general return, and transmit the same quarterly to the Board of War:

That the cloathier general supply monies, from time to time, to the commissaries in the respective states, to enable them to perform their contracts and pay their assistants and clerks; and that he be furnished with money accordingly by the Board of Treasury, upon estimates signed by the Board of War:

That the respective commissaries of hides have so many assistants and clerks, as in the opinion of the Board of War the circumstances of their business shall, from time to time, require:

That the pay of a commissary of hides be a sum not exceeding 300 dollars per month, one ration a day, and the value of three rations more, as it now is, or hereafter shall be settled for officers in the line, and forage for one horse:

That the pay of an assistant commissary be a sum not exceeding 140 dollars per month, one ration a day, *the value of one ration more as abovementioned,* and forage for an horse.

~~Previous to passing the above resolution,~~

~~A motion was made by Mr. [Henry] Marchant, seconded by Mr. [Nathaniel] Peabody, to strike out the words "the value of one ration more, as above mentioned", and on the question, shall those words stand? the yeas and nays being required by Mr. [Henry] Marchant,~~

~~New Hampshire,~~		
~~Mr. Peabody,~~	~~no~~	~~no~~
~~Massachusetts Bay,~~		
~~Mr. Gerry,~~	~~ay~~	~~ay~~
~~Lovell,~~	~~ay~~	
~~Holten,~~	~~ay~~	
~~Rhode Island,~~		
~~Mr. Marchant,~~	~~no~~	~~no~~
~~Collins,~~	~~no~~	
~~Connecticut,~~		
~~Mr. Spencer,~~	~~ay~~	~~ay~~
~~New York,~~		
~~Mr. Jay,~~	~~ay~~	~~ay~~
~~Duane,~~	~~ay~~	
~~Lewis,~~	~~no~~	
~~New Jersey,~~		
~~Mr. Fell,~~	~~ay~~	~~ay~~
~~Houston,~~	~~ay~~	
~~Pennsylvania,~~		
~~Mr. Armstrong,~~	~~ay~~	~~div.~~
~~McClene,~~	~~no~~	
~~Maryland,~~		
~~Mr. Forbes,~~	~~ay~~	*
~~Virginia,~~		
~~Mr. Smith,~~	~~ay~~	~~ay~~
~~Griffin,~~	~~ay~~	
~~Fleming,~~	~~ay~~	
~~Randolph~~	~~ay~~	
~~North Carolina,~~		
~~Mr. Penn,~~	~~ay~~	~~ay~~
~~Burke,~~	~~ay~~	
~~Hewes,~~	~~ay~~	
~~Sharpe,~~	~~ay~~	
~~South Carolina,~~		
~~Mr. Laurens,~~	~~ay~~	~~ay~~
~~Drayton,~~	~~ay~~	

~~So it was resolved in the affirmative.~~

Resolved, That the pay of a clerk be a sum not exceeding 100 dollars per month, one ration a day, and the value of one ration more as aforesaid.

That reasonable travelling charges (to be settled at least every three months by the auditors of accounts,) be allowed to the commissaries of hides and their assistants, whensoever the business of their department obliges them to travel.[1]

The committee appointed for regulating and retrenching the expences of the departments, brought in a report, which was read.

Ordered, That 60 copies be printed for the use of the members.

Report of the Committee for regulating Departments, &c.

Resolved, That it be recommended to these United States to levy by assessments, in kind or otherwise, as may be for each most expedient, before the day of next, and afterwards annually during the present war, to the amount of millions of Spanish milled dollars, in the following commodities, good and merchantable, at the following prices, to wit,

Flour per hundred weight,	Beef per barrel,
Wheat per bushel,	Pork per ditto,
Rye per ditto,	Live beef per hundred net,
Barley per ditto,	Live pork per ditto, ditto,
Indian corn per ditto,	Bar iron per ditto,
Spelts per ditto,	Indigo per ditto,
Oats per ditto,	Tobacco per ditto,
Buckwheat per ditto,	Pitch per barrel,
Shorts per ditto,	Tar per ditto,
Bran per ditto,	Turpentine per ditto,
Rice per barrel,	Hay per ton,

Resolved, That it be recommended to these states to levy as great a part as is possible of the amount aforesaid in provisions, and in such proportions as will most advance the public service.

[1] This report, dated June 2 (present, Pickering and Peters), is in the *Papers of the Continental Congress*, No. 147, III, folio 373. On folio 377 is a letter from the Board, dated July 23, explaining the report.

Resolved, That the quotas of the said amount to be supplied by the states respectively, shall be as follows, to wit,

New-Hampshire,	Pennsylvania,
Massachusetts-Bay,	Delaware,
Rhode-Island and Providence Plantations,	Maryland,
	Virginia,
Connecticut,	North-Carolina,
New-York,	South-Carolina,
New-Jersey,	Georgia,

Resolved, That every state shall also be credited for its quota, or any part thereof, if the same be supplied in the following imported articles, to wit, woolen cloaths, linnens, hose, shoes, hats, sail cloth, tent cloth, cordage, wine, rum, brandy, molasses, sugar, tea, coffee, salt, jesuit's bark, antimony, quicksilver, opium, cantharides and other necessary medicines.

Resolved, That it be recommended to the several states to supply the said articles in such proportions as will most advance the public service.

Resolved, That each state supplying any of the said imported articles shall be credited for them at an advance of on the prime cost, and an addition of for insurance.

Resolved, That all the accounts between these states relating to their quotas of the supplies aforesaid, of every kind, shall be kept and finally settled in Spanish milled dollars, and the balances finally paid in the same, or in gold or other silver of equal value.

Resolved, That if it shall appear, upon an adjustment of the quotas of the several states, that any state has supplied more than its due proportion, every such state shall be paid the value of the surplus at the rates aforesaid, specifically in Spanish milled dollars, or in gold or other silver of equal value, with interest at six per centum per annum from the time such surplus supplies shall have been received into the public magazines: and every state which shall have failed to supply its due proportion shall be charged with the deficiency at the rates aforesaid, and the like interest thereon, from the time the same ought to have been delivered into the public magazines, to be paid specifically in Spanish milled dollars, or in gold or other silver of equal value, all which balances to or from any state shall be discharged in the order following, that is to say,

The balances of the first year to conclude on the day on which the quotas are required to be compleated within years after the conclusion of the present war, and the balances of the second and every succeeding year respectively at equal distances of time from the period at which the balances respectively accrued.

Resolved, That all such commodities as shall be levied in manner aforesaid be brought to convenient landings on navigable waters, or to such convenient mills and places within each county, town or district, as the legislature shall appoint, at the expence of the state or the inhabitants supplying the same, which-ever to the state shall appear most expedient and equitable: that thence the same be conveyed at the expence of the United States. And for the expediting of the conveyance of such supplies to the places where they may be required, that the commissioners of each state, hereafter mentioned, be authorised and directed by the legislature thereof, whenever a passage through the same may be expedient, to receive on due notice the supplies from the commissioners of any other state, and to convey the same towards the place where they will be necessary for the public service, in the same manner as if they had been at first provided therein, which commissioners are to give receipts to those delivering such supplies, mentioning the sorts, number or quantity and quality of the articles received.

Resolved, That it be recommended to these states respectively to make effectual provision for transporting the said commodities: that the states respectively be allowed for every ton weight by land carriage per mile and for every ton weight by water carriage per mile and so in proportion for a greater or less quantity; and the amount of all carriage performed by any state for the United States shall be credited at the rate aforesaid as part of the quota of such state; and where the same, together with the other supplies furnished by any state, shall exceed the said quota, every such state shall have credit for the same and be reimbursed specifically in Spanish milled dollars or in gold or other silver of equal value, in like manner and at like periods as mentioned in the eighth foregoing resolution.

Resolved, That light, swift, well armed and appointed vessels be stationed in the Bay of Chesapeak, and in the sounds of North-Carolina, to convoy and protect the vessels which may be employed in transporting public stores.

Resolved, That a sufficient number of commissioners be appointed by the legislature of each state, with proper powers to superintend and

manage the collecting, storing, securing, removing, shipping, and otherwise applying to the uses hereafter mentioned respectively the said commodities.

Resolved, That such articles as will be required for the use of the armies or fleets of these United States, or of their allies, shall be placed by the said commissioners under the direction of the board of war, in such stores or magazines that they may be in the quickest, easiest, cheapest and most effectual manner applied to such uses; and that the said commissioners shall take effectual care that every barrel of flour shall be plainly branded on one head, so as to shew the miller's name, the quality of the flour, whether superfine, common or ship stuff, the net weight contained in each barrel, and the initial letters of the commissioners names; and that each barrel of beef or pork be branded in like manner, to shew the said initials, and the net weight of the meat contained therein.

Resolved, That such articles as shall not be required for the uses aforesaid, or from local circumstances cannot be applied to them, and are not of a perishable nature, shall be placed in such stores and magazines that they may be in the best manner secured, and most conveniently conveyed to market, to be disposed of for the benefit of these states.

Resolved, That such articles as shall not be required for the uses aforesaid, and are of a perishable nature, shall be sold or exchanged with the approbation of the board of war, or of the supreme magistrate of the state, if the board be too remote to be consulted in due time, for such articles as are immediately necessary for the said uses, if local circumstances will permit their being applied to the same in proper time, otherwise they shall be sold or exchanged for such enumerated commodities as are not perishable, which are to be secured in stores or magazines as aforesaid.

Resolved, That all such articles, not of a perishable nature, which shall be levied as aforesaid, or which shall be obtained by sale or exchange, as is mentioned in the next foregoing resolution, and not required for the uses aforesaid, shall be appropriated to the purpose of raising a fund for discharging all contracts for gold or silver which have been or hereafter shall be made on account of these states.

Resolved, That the said commissioners shall every month render to the board of treasury an account, whereof a duplicate shall at the same time be delivered to the chief magistrate of the state, by which they are appointed, of all their proceedings relative to

the articles mentioned in the next preceding resolution, and regular returns of all such articles, exactly specifying the sorts, quantity or number and quality thereof then in the public stores or magazines, and the situation of such stores or magazines; and shall pay obedience to all such directions as they shall from time to time receive from the said board concerning the management and disposal of the articles so appropriated.

Resolved, That the said commissioners be also authorised and directed, upon requisition from the board of war, to contract for and purchase such farther supplies of the commodities, in the first and fourth resolutions enumerated, as may be necessary for the uses before mentioned; and that if Congress shall at any time judge proper to recommend an embargo on produce, then it shall be also recommended to every state to pass laws for confiscating all articles imported into the same contrary to the laws of the state from which they are imported; and that if any state be permitted, notwithstanding such embargo, to procure the produce of another state, all purchases of such produce be made by the same commissioners.

Resolved, That for ascertaining the duties of such commissioners, the quartermaster general and commissary general shall, in the month of October annually, transmit information to the board of war of all the particular articles of the supplies, specifying the sorts, quantity or number and quality, which will be necessary in their several departments for the ensuing campaign; and the said board shall issue orders to such and so many of the commissioners as shall by them be deemed expedient, for putting themselves in condition, by sale, exchange or purchase of commodities, to furnish the supplies so required: and the quartermaster and commissary general shall from time to time issue requisitions to such of the commissioners, as by the returns shall appear to be in condition to comply with the same, for all the necessary supplies for the army, directing the transportation of the same to such magazines and places as the exigencies of the service shall render necessary; and the commissioners respectively shall pay obedience to such requisitions and directions.

Resolved, That the said commissioners shall every month make returns, whereof duplicates shall at the same time be delivered to the chief magistrate of the state by which they are appointed, to the board of war of all supplies received by them and then in the

stores or magazines, specifying the sorts, quantity or number and quality, and the situation of such stores or magazines, except such as are mentioned in the resolution preceding, and all which have been issued during the month, mentioning when and to whom they have been delivered, and all articles purchased, sold or obtained by exchange under any of the foregoing resolutions, the time when such purchase, sale or exchange was made, the names of the persons dealt with therein, their places of abode, the sorts, quantity or number and quality of the articles, and the prices or terms of the bargain; and also an account of all the vessels, boats and carriages employed by them, the names of the owners and their places of abode, the time they were employed, and the prices given; that they also make monthly returns to the quartermaster general and commissary general of the supplies then in the stores or magazines, specifying them as aforesaid, and the situation of such stores or magazines.

Resolved, That the several states do require security by bond and oath from the commissioners by them respectively appointed for the due and faithful discharge of their duties, and that no commissioner shall keep, own, or in any manner whatsoever directly or indirectly be interested in any boat, shallop, vessel, waggon or cart, or in any waggon, horse or cart horse, or the hire thereof, in any manner employed in the removal or transportation of public supplies of any kind.

Resolved, That the commissioners shall be allowed per cent. on the rated value of all the commodities to be levied as aforesaid, and of all the supplies which they shall purchase; such allowance not to exceed what it would amount to at the rates aforesaid, and not to be less than the same, notwithstanding they the said commissioners may have procured them at a lower rate: that an allowance of per cent. upon all savings that shall be made by procuring supplies under the rated prices, be given to the commissioners respectively who shall make the same, and the said commissioners shall receive at their election respectively, all the said allowances either in bills of credit as the same shall become due or in Spanish milled dollars, or in gold or other silver of equal value, at the same periods as when the balances due to and from the states for the year in which their respective services shall be performed become payable, with interest on the same at the rate aforesaid.

Resolved, That the said commissioners account with such persons as shall be by Congress authorised for that purpose, who shall report thereon to the board of treasury for re-examination; and on thus accounting the said commissioners shall produce receipts for all sums paid and for all articles delivered by them.

Resolved, That the board of war shall, as occasion may require, appoint judicious persons to purchase such waggons and horses as may be necessary for the public service.

Resolved, That the quartermaster general give directions and orders to the waggonmaster's department, that the same may assist and cooperate with the commissioners of the several states in the best and most effectual method for the removal and transportation of supplies.

Resolved, That the quartermaster general may employ artificers, whose attendance in the army shall be indispensibly necessary, and no others.

Resolved, That all camp equipage, and all other such articles of every kind, not hereinbefore enumerated, as have heretofore been provided by the quartermaster general, shall hereafter be provided by the commissary of military stores, under the direction of the board of war.

Resolved, That the commissary general of military stores shall make monthly returns of all the stores to the board of war, specifying the sorts, quantity or number and quality, and shall deliver none to any person whatever but by order of that board, specifying them in like manner.

Resolved, That all such necessary supplies of provisions as are not in the foregoing resolutions enumerated, shall be procured by the commissary general.

Resolved, That there be one quartermaster general:
One deputy quartermaster general for the main army:
One for every separate army:
One quartermaster for every division of the army:
One for every brigade:
One for every battalion:
One foragemaster general for the main army:
One deputy for every separate army:
One forage master for each brigade:
One for head-quarters and staff:
One for the commissary's department:
One waggonmaster general for the main army:

Two deputies for the main army:

One deputy for every separate army:

One conductor to head-quarters:

One to the staff:

One to each brigade of the army:

One to each brigade of waggons belonging to the commissary's department and the forage department:

And that all other officers in the quartermaster's department be discontinued:

That every quartermaster general, deputy quartermaster general, foragemaster general, and deputy foragemaster general, and waggonmaster general, and deputies, and every conductor take an oath and give bond to the board of war, in such sums as the said board shall direct, for the due and faithful discharge of their respective duties; nor shall any of the said officers, who are hereby required to take an oath and give bond, be deemed duly qualified to execute the respective office or to receive the pay and emoluments appertaining thereto, until such oath be taken and certificate thereof be lodged in the hands of the next superior officer of the staff department, and until bond be given as aforesaid, and the same lodged as aforesaid: and every officer with whom such bond and certificate shall be lodged is hereby required and enjoined to transmit the same to the board of war within days after the same shall be lodged, on pain of being dismissed from the service.

Resolved, That the offices of commissary general of purchases and commissary general of issues be discontinued: that there be one commissary general, whose duty it shall be to receive and issue provisions, and to procure them as is directed in the resolution preceding:

That there be one deputy for the main army:

One for every separate army; each of which deputies shall take an oath and give bond for the due and faithful performance of their respective duties, under like rules and restrictions, mutatis mutandis, as are laid down in the last preceding resolution respecting the officers in the quartermaster's department: and the commissary general or his deputies may employ drovers, who on receiving his stock from the commissioners of any state shall give receipts for the same, and shall receive from the commissioners with the stock invoices thereof, which they shall deliver respectively to the commissary general or one of his deputies; and such stock shall be killed

under the direction of the commissary general or one of his deputies, and the hides and useful offal be delivered to the commissary of hides, under the regulations made by Congress October 11th, 1777.

Resolved, That the quartermaster general and commissary general, and each of their deputies, be allowed one clerk.

Resolved, That no post shall be established in any state for issuing rations of any kind, unless the quartermaster general or one of his deputies shall certify in writing to the chief magistrate thereof that such a post is indispensibly necessary for the public service; whereupon the said magistrate may, if he thinks such post necessary, establish the same:

That no rations shall be issued to the staff except in camp: that rum or whiskey be not paid for as parts of rations if not drawn.

Resolved, That no person shall hold two offices in the quartermaster general or commissary general's departments, or receive pay, rations or subsistance, on pretence of holding two offices, under pain of being dismissed with infamy, and forfeiting all his pay during the whole time he was in empolyment:

That no person holding an office in the quartermaster general's or commissary general's departments, shall, while holding the same, keep, own, or be in any manner whatever interested in any boat, shallop, vessel, waggon or cart, or in any waggon, horse or cart horse, or the hire thereof, employed in the removal or transportation of supplies, or be engaged in, or carry on any kind of trade, commerce or traffic whatever on his private account, under the penalty last above mentioned.[1]

The Board of Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Major General Greene, quarter master general, on the application of Charles Pettit, Esq. assistant quarter master general, for five millions of dollars, for the use of his department; and for which he is to be accountable.

[1] One of the printed copies of this report is in the *Papers of the Continental Congress*, No. 39, II, folio 62. A copy in the writing of Thomas Burke is in No. 28, folio 251, endorsed "September 1, 1779." Burke was not a member of the committee from which this report emanated; and from the fact that his copy is without corrections or additions, it may be assumed that he made it for some purpose connected with another report dealing with the same subject. See under July 9, pp. 812–815, *ante*.

That a warrant issue on the treasurer, in favour of Thomas Smith, Esq. commissioner of the continental loan office in Pensylvania, for two millions of dollars, for the purpose of redeeming bills of the emissions of May 20th, 1777, and April 11, 1778; he to be accountable.

That a warrant issue on the treasurer, in favour of John Levinus Clarkson, clerk to the Board of Treasury, for five hundred dollars, on account of his salary; for which he is to be accountable.[1]

That a warrant issue on the treasurer, in favour of R. Smith, Esq. one of the commissioners of claims at the Treasury, for two thousand dollars; for which he is to be accountable.[2]

That a warrant issue on the treasurer, in favour of Joseph Nourse, Esq. assistant auditor general at the Treasury, for fifteen hundred dollars; for which he is to be accountable.

Resolved, That the Board of Treasury be authorised to employ and agree with a copper plate printer on such terms as they shall judge reasonable.[2]

The Board of Treasury report, that they have appointed Francis Swaine, Henry Epple, Michael Kimmell, Jacob Graff, Jun. Christopher Baker, David Shaffer, Jun. Michael Shubart, Henry Kammerer, James Wilson, Jacob Schreiner, and Charles Cist, signers of bills of credit.[3]

The commissioners at the Treasury report,

That there is due to the officers and privates of the invalid regiment commanded by Colonel L. Nicola, for their pay and subsistance, for the month of May last, the sum of two thousand two hundred and forty seven dollars and 2/90.

[1] This report, dated July 23, is in the *Papers of the Continental Congress*, No. 136, III, folio 493.

[2] These paragraphs formed a report from the Board, dated July 21, in the *Papers of the Continental Congress*, No. 136, III, folio 495.

[3] These names were reported to Congress on July 9 and 10, and are in the *Papers of the Continental Congress*, III, folios 461 and 467.

That there is due to David C Claypoole, for Printing copies of the Journals of Congress, from the 4th of May to the 9th instant, twelve thousand three hundred and seventy three

Recommitted

That he hath received from the Treasurer as appears by the Books on 3rd June, 1779, six thousand

Which leaves a balance due him of six thousand three hundred and seventy three dollars.

That there is due to Nathan Rice, his Account for Expences from South Carolina to this City with despatches for Congress, one thousand two hundred and seventy nine and 30/90

Postponed

That he hath received from John Lewis Jarvis Deputy pay Master General, Southern Department, by virtue of General Lincoln's order one thousand

Which leaves a balance due Nathan Rice of two hundred and seventy nine and 30/90 dollars

That there is due to Christian Rice, lieutenant of the fourth battalion of Pensylvania militia, his expences for conducting Lieutenant Cameron, a British prisoner, from the Yellow Springs to Reading, by order of Doctor Kennedy, fifty seven dollars and 64/90.

For three privates five horses and six Waggons pressed by order of Colo Evans to transport Baggage &c[1]

Ordered, That the said accounts be paid.

Ordered, That so much of their report as relates to D. C. Claypole be re-committed, and that so much of said report as relates to N. Rice, be postponed.

A number of resolutions relative to finance being offered for the consideration of the House, by Mr. [Elbridge] Gerry,

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

The members chosen, Mr. [Elbridge] Gerry, Mr. [William Churchill] Houston, Mr. [Samuel] Huntington, Mr. [Joseph] Hewes, and Mr. [Meriwether] Smith.

Adjourned to 10 oClock to Morrow.[2]

[1] This report, dated July 19, is in the *Papers of the Continental Congress*, No. 136, III, folio 485.

[2] A petition of Jean Laugeay, dated July 23, was read this day. It is in the *Papers of the Continental Congress*, No. 42, IV, folio 204.

SATURDAY, JULY 24, 1779

After reading the journal,

On motion of Mr. [Nathaniel] Peabody, seconded by Mr. [Henry] Laurens,

Resolved, That so much of the resolution passed yesterday, respecting the preservation of public buildings &c. as relates to the purchase of the ground whereon permanent buildings are erected, be re-considered, and that the same be referred to a committee of three.

The members chosen, Mr. [Edmund] Randolph, Mr. [Samuel] Huntington, and Mr. [James] Duane.[1]

A letter from Poteins du Bois Halbrand, was read:

Ordered, That it be referred to the Board of War, and that they take order thereon.

An appeal from the sentence of a court of admiralty for the State of Massachusetts bay, on the libel J. Bradford *v.* ship *Viper,* &c. was lodged with the secretary and referred to the Committee on Appeals.

A letter from J. G. Duarti, was read.[2]

The order of the day being called for, to proceed to the choice of a clothier general, and the yeas and nays being required by Mr. [Gouverneur] Morris,

New Hampshire,			*Connecticut,*		
Mr. Whipple,	no	no	Mr. Huntington,	ay	ay
Peabody,	no		Spencer,	ay	
Massachusetts Bay,			*New York,*		
Mr. Lovell,	ay	div.	Mr. Jay,	ay	ay
Holten,	no		Duane,	ay	
Rhode Island,			Morris,	ay	
Mr. Marchant,	no	div.	Lewis,	ay	
Collins,	ay				

[1] See under July 23, p. 869, *ante.*

[2] This letter is in the *Papers of the Continental Congress,* No. 44, folio 95.

New Jersey,		
Mr. Fell,	ay	ay
Houston,	ay	
Pennsylvania,		
Mr. Armstrong,	no	no
Shippen,	ay	
Muhlenberg,	no	
McLene,	no	
Delaware,		
Mr. Dickinson,	excused[1]	no
Van Dyke,	no	
McKean,	no	
Maryland,		
Mr. Henry,	ay	ay
Forbes,	ay	
Virginia,		
Mr. Smith,	ay	ay
Griffin,	ay	
Fleming,	ay	
Randolph,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Burke,	ay	
Hewes,	ay	
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	

So it was resolved in the affirmative.

Congress proceeded to the election, and the ballots being taken,

Mr. James Wilkinson was elected.

Congress proceeded in the consideration of the subject under debate the 22d; and a motion was made by Mr. [William Henry] Drayton, seconded by Mr. [Thomas] Burke, to reconsider the first proposition, passed the 24th June last, to the end that the description of the fishery therein may be altered so as to agree with the description in the fourth proposition as passed as on the 22d of this month.

On the question, Shall the first proposition be reconsidered, the yeas and nays being required by Mr. [William Henry] Drayton:

New Hampshire,		
Mr. Whipple,	no	no
Peabody,	no	
Massachusetts Bay,		
Mr. Gerry,	no	no
Lovell,	no	
Holten,	no	
Rhode Island,		
Mr. Marchant,	no	no
Collins,	no	
Connecticut,		
Mr. Huntington,	no	no
Spencer,	no	

[1] This name was not entered in the manuscript Journal.

New York,		
Mr. Jay,	no	no
Duane,	no	
Morris,	no	
Lewis,	no	
New Jersey,		
Mr. Fell,	no	no
Houston,	no	
Pennsylvania,		
Mr. Armstrong,	no	no
Muhlenberg,	no	
M'Lene,	no	
Delaware,		
Mr. Dickinson,	excused	div.
Vandyke,	no	
M'Kean,	ay	
Maryland,		
Mr. Henry,	ay	ay
Forbes,	no	
Virginia,		
Mr. Smith,	ay	ay
Griffin,	ay	
Fleming,	ay	
Randolph,	ay	
North Carolina,		
Mr. Burke,	ay	ay
Hewes,	ay	
Sharpe,	ay	
South Carolina,		
Mr. Drayton,	ay	ay

So it passed in the negative.

A motion was made by Mr. [John] Dickinson, seconded by Mr. [William Henry] Drayton, That it be resolved that the next preceding resolution is to be so understood, that if the fisheries therein described shall be effectually secured to these states by Great Britain, though not by the express stipulation therein mentioned, these states will agree to a treaty of commerce with that kingdom on just and reasonable terms.

When the question was about to be put, the previous question was moved by Mr. [Thomas] McKean, seconded by Mr. [James] M'Lene.

And on the question to agree to the previous question, the yeas and nays being required by Mr. [William Henry] Drayton,

New Hampshire,		
Mr. Whipple,	ay	ay
Peabody,	ay	
Massachusetts Bay,		
Mr. Lovell,	ay	ay
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Collins,	ay	
Connecticut,		
Mr. Huntington,	ay	ay
Spencer,	ay	

New York,			*Virginia,*		
Mr. Jay,	ay	ay	Mr. Smith,	no	no
Duane,	ay		Griffin,	no	
Morris,	ay		Fleming,	no	
Lewis,	ay		Randolph,	no	
Pennsylvania,			*North Carolina,*		
Mr. Armstrong,	ay	ay	Mr. Penn,	no	no
M'Lene,	ay		Burke,	no	
Delaware,			Hewes,	no	
Mr. Dickinson,	no	ay	*South Carolina,*		
Vandyke,	ay		Mr. Drayton,	no	no
M'Kean,	ay				
Maryland,					
Mr. Henry,	no	no			
Forbes,	no				

So it was carried in the affirmative, and the main question was set aside.[1]

Adjourned to 10 oClock on Monday.[2]

MONDAY, JULY 26, 1779

Mr. C[ornelius] Harnett, a delegate of North Carolina, attended, and took his seat in Congress.

A letter of 21, from General Washington, was read, enclosing his orders of the 10 to General Wayne, for the attack of Stoney Point, orders issued by General Wayne July 15th, and General Wayne's letter of 17 to General Washington, giving an account of his success, and enclosing a list of the killed, wounded and prisoners, and of the stores taken:[3]

Ordered, That the same be referred to the Committee of Intelligence.

[1] These proceedings were entered only in the manuscript Secret Journal, Foreign Affairs.

[2] A report of this day from the Board of War, concerning the appraisement of leaden spouts taken from certain houses in Philadelphia, in 1777, by order of the Council, is in the *Papers of the Continental Congress*, No. 148, II, folio 207. It was adopted August 23, 1781.

[3] Washington's letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 503; his orders, on folio 511.

On motion of Mr. [Gouverneur] Morris, seconded by Mr. [Henry] Laurens,

Resolved, unanimously, That the thanks of Congress be given to his Excellency General Washington, for the vigilance, wisdom and magnanimity, with which he hath conducted the military operations of these states, and which are among many other signal instances manifested in his orders for the late glorious enterprize and successful attack on the enemy's fortress on the banks of Hudson's river.

Resolved, unanimously, That the thanks of Congress be presented to Brigadier General Wayne, for his brave, prudent and soldierly conduct in the spirited and well conducted attack of Stoney Point.

Resolved, unanimously, that the letter from General Washington, with the papers enclosed, and also the other resolutions moved thereon, be referred to a committee of three, and that the committee retire and prepare their report thereon and bring it in immediately.

The members chosen, Mr. [Gouverneur] Morris, Mr. [Samuel] Huntington, and Mr. [John] Armstrong.

A letter, of 25, from J. Wilkinson, was read: expressing his high sense of the confidence which Congress have been pleased to repose in him, and promising to enter on the duties of the office of cloathier general as speedily as possible.

A letter, of 20th, from General Washington, was read.

A letter, of 21, from Major General Sullivan, at Wyoming, was read, accompanied with sundry papers therein referred to.[1]

Ordered, That copies of the same be transmitted to General Washington. That so much of Major General Sullivan's letter as relates to troops promised by the State of Pensylvania be transmitted to the president and council of said State.

[1] Wilkinson's letter is in the *Papers of the Continental Congress,* No. 78, XXIV, folio 59; that of Washington, in No. 152, VII, folio 499; that of Sullivan, in No. 160, folio 249, the enclosures on folios 255–290.

A letter, of 25, from Edward Langworthy, was read,[1] setting forth "that the house in which he lodges was the evening before beset by a number of people headed by Colonel Bull and Mr. Peale, two of the committee of this city; that not venturing to force the doors of the house, they by some means and under some pretence, brought before the door a serjeant with six or eight of the guards of the continental troops stationed in this city, and threatened to attack and force the house", &c.

Whereupon, a motion was made by Mr. [Thomas] Burke seconded by Mr. [Meriwether] Smith,

That so much of the letter as relates to the serjeant and continental troops, who are said to have been concerned in the disturbance complained of, be referred to the Board of War, and that they be ordered to cause due enquiry to be made concerning the same, and take order thereon.

When the question was about to be put, the previous question was moved by Mr. [James] McLene, seconded by Mr. [Nathaniel] Peabody, on which the yeas and nays being required by Mr. [John] Jay,

New Hampshire,			*New Jersey,*		
Mr. Peabody,	ay	ay	Mr. Fell,	no	*
Massachusetts Bay,			*Pennsylvania,*		
Mr. Gerry,	no	ay	Mr. Shippen,	ay	ay
Lovell,	ay		Muhlenberg,	ay	
Holten,	ay		McLene,	ay	
Rhode Island,			*Delaware,*		
Mr. Marchant,	ay	div.	Mr. Van Dyke,	ay	ay
Collins,	no		McKean,	ay	
Connecticut,			*Maryland,*		
Mr. Spencer,	no	no	Mr. Henry,	no	no
New York,			Forbes,	no	
Mr. Jay,	no	no	*Virginia,*		
Duane,	no		Mr. Smith,	no	no
Lewis,	ay		Griffin,	no	
			Fleming,	no	

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XIV, folio 271.

North Carolina,			*South Carolina,*		
Mr. Penn,	no		Mr. Laurens,	no	no
Harnett,	no				
Burke,	no	no			
Hewes,	no				
Sharpe,	no				

So it passed in the negative.

On the question to agree to the resolution, the yeas and nays being required by Mr. [Meriwether] Smith,

New Hampshire,			*Delaware,*		
Mr. Whipple,	ay	div.	Mr. Van Dyke,	no	no
Peabody,	no		McKean,	no	
Massachusetts Bay,			*Maryland,*		
Mr. Gerry,	ay		Mr. Henry,	ay	ay
Lovell,	ay	ay	Forbes,	ay	
Holten,	ay		*Virginia,*		
Rhode Island,			Mr. Smith,	ay	
Mr. Marchant,	ay	ay	Griffin,	ay	ay
Collins,	ay		Fleming,	ay	
Connecticut,			*North Carolina,*		
Mr. Spencer,	ay	ay	Mr. Penn,	ay	
New York,			Harnett,	ay	
Mr. Jay,	ay		Burke,	ay	ay
Duane,	ay	ay	Hewes,	ay	
Lewis,	no		Sharpe,	ay	
New Jersey,			*South Carolina,*		
Mr. Fell,	ay	*	Mr. Laurens,	ay	ay
Pennsylvania,					
Mr. Shippen,	no				
Muhlenberg,	no	no			
McLene,	no				

So it was resolved in the affirmative.

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [Henry] Marchant,

Ordered, That the committee appointed on the 24 December last, to confer with the Commander in Chief, forthwith lay before Congress an account of their proceedings, and of all the

information they can give relative to the western expedition, under the command of Major General Sullivan.

The committee, to whom were referred the letter from General Washington, and the resolutions moved thereon, brought in a report, which was read; Whereupon

Resolved, unanimously, That Congress entertain a proper sense of the good conduct of the officers and soldiers under the command of Brigadier General Wayne, in the assault of the enemy's works at Stoney Point, and highly commend the coolness, discipline and firm intrepidity exhibited on that occasion.

Resolved, unanimously, That Lieutenant Colonel Fleury, and Major Stewart, who, by their situation in leading the two attacks, had a more immediate opportunity of distinguishing themselves, have, by their personal achievements, exhibited a bright example to their brother soldiers, and merit in a particular manner the approbation and acknowledgment of the United States.

Resolved, unanimously, That Congress warmly approve and applaud the cool, determined spirit with which Lieutenant Gibbons and Lieutenant Knox led on the forlorn hope, braving danger and death in the cause of their country.

Resolved, unanimously, That a medal, emblematical of this action, be struck:

That one of gold be presented to Brigadier General Wayne, and a silver one to Lieutenant Colonel Fleury and Major Stewart respectively ~~and that five thousand of copper be struck for Congress~~.

Resolved, unanimously, That brevets of captain be given to Lieutenant Gibbons and Lieutenant Knox:

That the brevet of captain be given to Mr. Archer, the bearer of the General's letter, and volunteer aid to Brigadier General Wayne:

That Congress approve the promises of reward made by Brigadier General Wayne, with the concurrence of the Commander in Chief, to the troops under his command:

That the value of the military stores taken at Stoney Point be ascertained and divided among the gallant troops by whom it was reduced, in such manner and proportion as the Commander in Chief shall prescribe.[1]

Adjourned to 10 oClock to Morrow.

TUESDAY, JULY 27, 1779

Mr. [John] Mathews, one of the delegates from South Carolina, attended, and produced his credentials, as follows:

STATE OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES,
the 5th Day of February, 1779.

Ordered, That two Members do wait on the Senate, and acquaint their Honours, that this House is now ready to proceed with them, to elect Delegates to represent this State in the Congress of the United States, for the Year ensuing.

The Members of the Honourable the Senate accordingly attended in this House.

And the Ballots being taken and reckoned,

Mr. Speaker reported, That the Votes having been cast up, it appeared that the Honourable Henry Laurens, Arthur Middleton, Edward Rutledge, John Mathews, and Thomas Bee, Esquires, were duly elected Delegates to represent the State of South Carolina in the Congress of the United States of America, for the ensuing Year.

Extract from the Journals.

PET: TIMOTHY, C. H. R.

Mr. [William Henry] Drayton laid before Congress farther credentials, which were read, as follows:

STATE OF SOUTH CAROLINA.
IN THE HOUSE OF REPRESENTATIVES,
the 17th Day of February, 1779.

The Honourable the Senate attending in this House,

The Members of both Houses proceeded, jointly, to ballot for two Delegates, to represent this State in the Continental Congress the ensuing Year.

[1] This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 19, VI, folio 273.

And the Ballots being taken and reckoned,

Mr. Speaker reported, That upon casting up the Votes, it appeared, That the Honourable Rawlins Lowndes, Esqr was duly elected, by the Votes of a Majority of the Members present, a Delegate to represent this State in the Congress of the United States, for the Year ensuing.

None other of the Gentlemen voted for, having the Majority required;

The Members of both Houses proceeded to ballot again for one Delegate, to represent this State in the Continental Congress:

And the Ballots being taken and reckoned,

Mr. Speaker reported, That upon casting up the Votes it appeared, that the Honourable William Henry Drayton, Esquire, Chief Justice of this State, was duly elected a Delegate to represent the State of South Carolina in the Congress of the United States, for the Year ensuing.

Extract from the Journals,

PET: TIMOTHY, C. H. R.[1]

To the foregoing is added this marginal note:

"N. B. This choice was made in the room of Mr. [Thomas] Bee, appointed lieutenant governor, and Mr. Edward Rutledge, excused from serving."

A letter, of 28 January last, from Ra. Izard, Esq. was read.

The committee to whom was referred the address of the merchants of Boston, brought in a report; Whereupon,

The Committee to whom the address of the merchants of Boston was referred, do now report:

That the sense expressed of the endeavors of Congress for the general good in the address of the merchants of the town of Boston is very acceptable: That the assurances of their assistance in supporting the credit of the paper currency, the Sovereignty and happiness of their country, will contribute very much towards those most desirable ends, and that they may depend Congress will at all times pay a proper attention to their interest and prosperity.

[1] These papers are in the *Papers of the Continental Congress*, South Carolina, *Credentials of Delegates*.

Resolved, That the President be requested to transmit the foregoing Act in a letter directed to John Rowe Esq. &c., the Committee of the Merchants of the Town of Boston.[1]

Resolved, That the sense expressed of the endeavours of Congress for the general good in the address of the merchants of the town of Boston, is very acceptable, and they may rest assured that Congress will at all times pay a proper attention to the mercantile, in common with the other interest of the citizens of these United States.

Resolved, That the delegates of the State of Massachusetts bay be requested to communicate the above acknowledgment and assurance on the part of Congress to the merchants of Boston.

On motion of Mr. [James] Duane, seconded by Mr. [Elbridge] Gerry,

Resolved, That the Board of Treasury cause the medals in honor of the Commander in Chief and other officers of the United States, to be struck without delay, agreeably to the several resolutions of Congress on this subject.

On motion of Mr. [John] Mathews, seconded by Mr. [Henry] Laurens,

Resolved, That Brigadier General Scott be ordered to use every means in his power to forward the troops under his command to Charleston, in South Carolina, as expeditiously as possible.

A letter, of 19, from Major General Heath, was read, desiring to be excused from acting as commissioner of the Board of War.

A letter, of this day, from the president of the supreme executive council of Pensylvania, was read:

Ordered, That a copy thereof be sent to the Commander in Chief.

[1] This report, in the writing of Thomas McKean, is in the *Papers of the Continental Congress,* No. 20, I, folio 49.

A letter, of 23, from W. Atlee, deputy commissary of prisoners, was read:[1]

Ordered, That it be referred to the Board of War, and that they take order thereon.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, JULY 28, 1779

A memorial, of the 26, from the hon^ble^ S^r^ Gérard, was read, enclosing a copy of a letter, of 25, from him to his excellency the president of Pensylvania, and also of a letter from Mr. Holker to the same.

Two other memorials of the 26, and one, of 28, from the said Minister were read; the latter enclosing a copy of a letter of 24, from his excellency the president of Pensylvania to Mr. Holker, and three other papers therein enclosed:

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

The members chosen, Mr. [Samuel] Huntington, Mr. [Henry] Laurens, Mr. [Meriwether] Smith, Mr. [Gouverneur] Morris, and Mr. [Thomas] McKean.

Resolved, That the committee be authorized to confer with the president and supreme executive council of Pensylvania, the minister and consul of France; that they prepare and report a state of facts, together with their opinion of the measures proper for Congress to adopt thereupon.

A memorial from Isaac Moses was read.[2]

According to the order of the day, Congress proceeded to the consideration of the report of the Board of Treasury on finance, and some time being spent thereon,

Adjourned to 10 oClock to Morrow.

[1] The Pennsylvania letter is in the *Papers of the Continental Congress*, No. 69, II, folio 91; that of Atlee, in No. 78, I, folio 215.

[2] This memorial, dated July 27, is in the *Papers of the Continental Congress*, No. 41, VI, folio 141.

THURSDAY, JULY 29, 1779

A letter, of this day, from W. Smith, was read, enclosing a memorial signed by him in behalf of William Moore:[1]

Ordered, That the same be referred to the Board of Treasury.

A letter, of 28, from Captain Baldesqui, pay master of Brigadier Count Pulaski's legion, was read; Whereupon,

Resolved, That the Board of Treasury be authorized to cause the accounts of the said legion, for the reason set forth in the said letter, to be settled on such proofs as in the discretion of the auditors or commissioners of accounts shall be judged satisfactory.

A letter, dated *Raisonable*, off New York, 23 July, 1779, signed "John Marr, secretary to the Commander in Chief," and directed to the secretary of Congress, in answer to his letter of the 17th, was read,[2] reciting that, "he has it in command from the Commodore, to inform, that no prisoners are ever treated to his knowledge, by the King's officers, contrary to the dictates of humanity, and as it is the practice of civilized nations to punish criminals in the usual course of justice, Gustavus Conyngham stands in this predicament, and is therefore sent to England to receive that punishment from his injured country which his crimes shall be found to deserve:"

Ordered, That it be referred to the Marine Committee.

The Board of Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. J[ohn] Penn, delegate for the State of North Carolina, for four thousand dollars, on his application; for which the said State is to be accountable.

[1] This letter and memorial are in the *Papers of the Continental Congress*, No. 78, XX, folios 439, 443.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XV, folio 477.

That a warrant issue on the treasurer, in favour of William Govett, Esq. one of the commissioners of claims at the Treasury, for three thousand dollars, on account.[1]

Congress proceeded to the election of two commissioners of claims, and, the ballots being taken,

Mr. John Dyer Mercier and Mr. Eleazer M'Comb were elected.

On motion by the Committee on Appeals,

Resolved, That two members be elected for the said committee, in the room of Mr. [William] Ellery and Mr. [William] Paca, who are absent:

The members chosen, Mr. [Henry] Marchant and Mr. [Edmund] Randolph.

On a report from the Board of War,

Resolved, That Lieutenant Adamson Tannehill, of Rawling's regiment, be appointed a captain in that regiment, his commission to be dated April 1st, 1778.[2]

Congress proceeded to the consideration of the report of the committee on the letters from A. Lee, Esq. and the communications of the Minister Plenipotentiary of France, and some time being spent thereon,[3]

The fifth proposition moved on the 19th June being read—

On motion of Mr. [Thomas] Burke, seconded by Mr. [William Henry] Drayton,

Resolved, That the consideration thereof be postponed.

On motion of Mr. [Thomas] M'Kean, seconded by Mr. [Samuel] Huntington,

Resolved, That, if after a treaty of peace with Great Britain, she shall molest the citizens or inhabitants of any of the United States in taking fish on the banks and

[1] This report, dated July 28, is in the *Papers of the Continental Congress*, No. 136, III, folio 497.

[2] This report, dated June 5, is in the *Papers of the Continental Congress*, No. 147, III, folio 389.

[3] An undated letter of Colomb, endorsed as read on this day, is in the *Papers of the Continental Congress*, No. 78, V, folio 377.

places described in the resolution passed the 22d day of July, instant, such molestation (being in the opinion of Congress a direct violation and breach of the peace) shall be a common cause of the said states; and the force of the union be exerted to obtain redress for the parties injured.

On the question to agree to this, the yeas and nays being required by Mr. [Meriwether] Smith,

New Hampshire,		
Mr. Whipple,	ay	ay
Peabody,	ay	
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Collins,	ay	
Connecticut,		
Mr. Huntington,	ay	ay
Spencer,	ay	
New York,		
Mr. Jay,	ay	ay
Duane,	ay	
Lewis,	ay	
New Jersey,		
Mr. Fell,	ay	ay
Houston,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Searle,	ay	
Muhlenberg,	ay	
M'Lene,	ay	
Delaware,		
Mr. Dickinson,	ay	ay
Vandyke,	ay	
M'Kean,	ay	
Maryland,		
Mr. Carmichael,	no	no
Henry,	no	
Forbes,	no	
Virginia,		
Mr. Smith,	no	no
Fleming,	no	
Randolph,	no	
North Carolina,		
Mr. Penn,	no	no
Harnett,	no	
Burke,	no	
Hewes,	no	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	no	no
Mathews,	no	
Drayton,	no	

So it was resolved in the affirmative.[1]

Adjourned to 10 oClock to Morrow.

[1] These proceedings were entered only in the manuscript Secret Journal, Foreign Affairs.

FRIDAY, JULY 30, 1779

A letter, of 24, from General Washington, was read.[1]

A letter, of this day, from the hon^ble^ S^r^ Gérard, was read, enclosing sundry papers relative to the flour purchased at Wilmington by Jon. Rumford for the use of the French fleet, and seized by the committee of Wilmington, and detained by the committee of Philadelphia; also papers relative to the cargo of the ship *Mary and Elizabeth:*

Ordered, That the first set of papers be referred to the committee on the last memorial from the Minister of France; and the latter sent to the committee on the memorial of the Minister of France relative to the ship *Mary and Elizabeth.*

Resolved, That two members be added to the last committee in the room of Mr. [Nathaniel] Scudder, who is absent, and Mr. [James] Searle, who at his request is excused.

The members chosen, Mr. [Thomas] McKean, and Mr. [John] Armstrong.

Your Committee to whom was referred the memorial of the Minister Plenipotentiary of France relative to the Ship *Mary and Elizabeth's* cargo, having proceeded in their inquiry beg leave to report the following facts, viz^t^

1^st^ That permission was granted by the Executive Council of the State of Pennsylvania, at the request of the Marine Committee, for 1600 bbls. of flour to be shipped on board the said ship *Mary and Elizabeth* as per certificate No 1. may appear.

2^nd^ That M^r^. Thomas Fitzsimons, one of the owners and sole director of said ship, did cause to be put on board one thousand and ninety-eight bbls. of flour, one hundred and fifty five bbls. of bread, exclusive of the provision necessary for the crew, and that to the best of his knowledge and belief no more provisions were shipped on board than the quantity above specified, as by his affidavit N° 2. may appear.

3^rd^ That the quantity of provision on board said ship cleared at the office for exportation was nine hundred and ninety seven bbls. of

[1] This letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 447.

flour, and one hundred and thirty seven barrels of bread, as by the Naval officer's certificate N° 3. may appear.

4th. That the Continental frigate the *Deane* being at Martinique, together with the Ship *Mary and Elizabeth*, in the account of disbursements for the former is the following charge viz:

1779. March 22. To owners of ship *Mary and Elizabeth*: for

6 bbls. of flour @	90 lrs.	540,,0,,0
3 bbls of bread @	66	198,,0,,0

Recapitulation of the foregoing.

Permission granted for 1600 bbls. flour

Shipped exclusive of Stores
1098 bbls of flour
155 bbls. of bread

Shipped bbls. 1253

Cleared by certificate
997 bbls of flour.
137 bbls. of bread.

Cleared bbls. 1134

Provisions for 40 men
16 bbls. of beef
10 bbls. of pork
20 bbls. of bread
7 small bbls of flour

From all the information your Committee could obtain, it is their opinion that no imputation of misconduct can be attributed to Mr Holker, agent to his most Christian Majesty's marine, nor to Mr Thomas Fitzsimons, agent to the Ship *Mary and Elizabeth*, of designedly intending to contravene the act of this State, prohibiting the exportation of provisions.[1]

Another letter, of 27th, from the Minister of France, was read, enclosing an appointment of Sieur d'Annemours to be vice consul in the State of Virginia:

Ordered, That the same be referred to the Marine Committee; and that they cause the commission of Mr. d'Annemours

[1] This report, in the writing of Francis Lewis, is in the *Papers of the Continental Congress*, No. 28, folio 179.

to be recorded in the book by them kept for that purpose, and his appointment made known to all concerned.

A letter, of 20, from Major General Gates, was read, enclosing a letter from Lieutenant Colonel S. Talbot, Captain the *Argo;* giving an account of his successful cruize:

Ordered, That the same be referred to the Marine Committee.

A letter, of 26, from Major General Sullivan, at Wyoming, and one of 28, from Matthew Knox, were read:

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

A report of the Board of War was read, recommending that Captain Wilkie's company be annexed to the eleventh Pensylvania regiment:[1]

Ordered, That the same be transmitted to the Commander in Chief.

The committee appointed the 23 instant to consider sundry resolutions on finance offered for the consideration of Congress, brought in a report, which was read: Whereupon,

The Committee appointed the 23[d] July, 1779, to consider sundry Resolutions on Finance; offered for the consideration of Congress, beg leave to report:

That bills of exchange to the amount of 25,000,000 Livres Tournois, payable at the end of eight years, be drawn on the Commissioners of the United States at Paris.

That the bills consist of the following denominations, viz. 1000, 1500, 2000, 2500, 3000, 5000, 10,000, and 15,000 Livres Tournois, and be struck under the direction of the Board of Treasury.

Postponed

That the Bills be signed by the Treasurer of Loans for the time being, and transmitted to the several Commissioners of the Continental Loan Offices, agreeable to the instructions of the said Board.

That the Commissioners of the Loan Offices be respectively authorized to countersign and dispose of the said Bills, on or before the 1[st] of January, 1780, at an exchange of not less than Dollars for five Livres Tournois, and that they receive the same allowance for issuing

[1] Sullivan's letter is in the *Papers of the Continental Congress*, No. 160, folio 294; that of Knox, in No. 78, XIII, folio 525; the report of the Board of War, in No. 147, III, folio 555.

and paying the interest, of such Bills, as for negotiating in like manner, Loan Office Certificates.

That until said Bills shall become due, an annual interest of 6 p^{r} cent be allowed thereon and paid at the respective Loan Offices in bills of credit, or bills of exchange at the election of the holders; the bills last mentioned to be payable at Paris, and similar to those heretofore issued for the payment of Interest on Loan Office Certificates.

That each person who may deposit money with any of the Commissioners of the Loan Offices for purchasing the Bills of Exchange first mentioned, before they can be prepared and sent to the said offices, shall be entitled to receive for such money, the said bills bearing date with the time of the deposit, and at an exchange to be stipulated with the respective Commissioners not less than the rate already mentioned.

That it be earnestly recommended to the several States, forthwith to appoint proper persons, or authorize such as are appointed agreeable to a resolution of Congress of 29th June last, in each County, Town, and District, to correspond with the Commissioners of the Continental Loan Offices respectively, and to afford them every necessary assistance by opening subscriptions for Loans and by otherways promoting the business of their office.

That 40,051,120 Dollars, or such a part thereof as Congress may hereafter judge necessary for supporting the war before adequate supplies can be obtained by taxes and loans, be emitted on the faith of these United States, and under the direction of the Board of Treasury, in bills of credit as follows:

70,887 Bills of each of the denominations of 80, 70, 20, 5, 4, 3, and 2 Dollars, and 1 Dollar.

Also, 70,887 Bills of each of the denominations of 65, 60, 55, 50, 45, 40 and 30 Dollars and 70,886 Bills of 35 Dollars each.

That the Bills of the eight denominations first mentioned shall be of the same tenor and date, as those emitted by a Resolution of Congress of the 17th July instant; and the bills of the other denominations of a like tenor and date with those emitted the 14th January last, excepting the numbers, which shall be continued progressively, from the last number in each respective denomination aforesaid, heretofore ordered to be emitted.

That there shall be no further emissions of Continental Bills of credit, than such as are already ordered by Congress.[1]

[1] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 26, folio 57.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Samuel] Holten,

That the report now read be considered with the reports of the Treasury relative to finance on the days assigned for that purpose.

To which an amendment was offered by Mr. [Henry] Laurens, seconded by Mr. [John] Armstrong, in the words following.

That Friday next, which will be a finance day, be assigned for the consideration of the said report.

An objection being made to the amendment as being out of order,

On the question, is the amendment in order, the yeas and nays being required by Mr. [Henry] Laurens,

New Hampshire,		
Mr. Whipple,	no	no
Peabody,	no	
Massachusetts Bay,		
Mr. Gerry,	no	no
Lovell,	no	
Holten,	no	
Rhode Island,		
Mr. Marchant,	ay	ay
Collins,	ay	
Connecticut,		
Mr. Huntington,	no	no
Spencer,	no	
New York,		
Mr. Jay,	no	no
Duane,	no	
Morris,	no	
Lewis,	ay	
New Jersey,		
Mr. Fell,	ay	ay
Houston,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	div.
Searle,	ay	
Muhlenberg,	no	
McLene,	no	
Delaware,		
Mr. Van Dyke,	ay	ay
McKean,	ay	
Maryland,		
Mr. Forbes,	no	*
Virginia,		
Mr. Fleming,	no	*
Randolph,	ay	
North Carolina,		
Mr. Harnett,	no	no
Burke,	ay	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	ay	ay
Mathews,	ay	
Drayton,	ay	

So it passed in the negative.

On motion of Mr. [John] Mathews, seconded by Mr. [Elbridge] Gerry,

Resolved, That the words "beginning on Friday next" be added to the main question.

On the question to agree to the resolution as amended,

Resolved in the affirmative.

Congress proceeded to the consideration of the reports of the Board of Treasury relative to finance; and thereupon agreed to the following

Ordinance for establishing a Board of Treasury, and the proper officers for managing the finances of these United States

The principal officers of the Board shall consist of three commissioners, not members of Congress, and two members of Congress, any three of whom to form a Board for the despatch of business. The commissioners shall be annually appointed by Congress, and continue in office until a new election: No member of Congress shall continue to serve as a member of the said Board longer than six months by virtue of one appointment, nor shall there be more than one member of the said Board at any one time belonging to the same State. The Board to have a seal of office, a secretary, a clerk and messenger; the secretary to be annually appointed by Congress, the clerk and messenger by the Board.

That there be the following offices: the auditor general's, the treasurer's, two chambers of accounts, and six auditors for settling claims and accounts arising in the army.

That in the auditor's office there be an auditor general, and assistant annually appointed by Congress, and two clerks appointed by the auditor general.

That in the treasurer's office there be one treasurer annually appointed by Congress, and one clerk appointed by the treasurer.

That each chamber of accounts shall consist of three commissioners and two clerks.

That the Board of Treasury be authorized to discharge the auditors of the army or any of them whenever they shall find it expedient.

That the commissioners and clerks of the chamber of accounts, and auditors for the army, be annually elected by Congress; and that the auditor general, treasurer and auditors for the army, be respectively accountable for the conduct of their clerks.

That apartments be provided for the accommodation of the several offices of the treasury, in the city or place where Congress shall hold their sessions.

That the duties of the several offices be as follows:

THE COMMISSIONERS OR BOARD OF TREASURY

The commissioners or Board of Treasury to have the general superintendence of the finances of the United States, and of all officers entrusted with the receipt and expenditure or application of the public money, bills of exchange or loan office certificates: to inspect the treasury: to lay before Congress estimates of the public expences, and necessary supplies: and to call on public officers for information: to carry into effect all acts and resolutions of Congress for emitting bills of credit and of exchange, loan office certificates or other securities, and establishing lotteries: to deposit in the proper offices, such bills, certificates and securities when emitted; and all monies arising from loans, taxes and lotteries: to see that the public accounts are regularly stated in the auditor's office, and all public debtors brought to account, frauds detected, and defaulters punished: to sue and prosecute for all debts, wrongs and injuries touching the finances or property vested in Congress: to instruct in their duty all officers concerned in the finances or accounts, and to suspend any of them for negligence or misdemeanor, till the pleasure of Congress can be known: to register and preserve all contracts and securities appertaining to the United States: to grant under their seal of office "a quietus" to accountants on a final settlement: where objections are discovered against the report of the commissioners or auditors, to rectify their respective errors and instruct them where they are in doubt: to determine on appeals by an accountant from the decision of any of the auditors or commissioners on any charge or voucher which they may respectively reject: to examine into the merits of all requisitions for the advance of money for public services, and report thereon to Congress: to grant warrants under their seal on the treasurer for balances of accounts and partial payments.

On the question to agree to this clause, as far as "payments," the yeas and nays being required by Mr. [Elbridge] Gerry, who objected to the words "for balances of accounts and partial payments,"

New Hampshire,			*Pennsylvania,*		
Mr. Peabody,	ay	ay	Mr. M'Lene,	no	no
Massachusetts Bay,			*Delaware,*		
Mr. Gerry,	no		Mr. Vandyke,	ay	ay
Lovell,	no	no	*Maryland,*		
Holten,	ay		Mr. Carmichael,	ay	
Rhode Island,			Forbes,	ay	ay
Mr. Collins,	ay	ay	*Virginia,*		
Connecticut,			Mr. Smith,	ay	*
Mr. Spencer,	ay	ay	Griffin,	ay	
New York,			*North Carolina,*		
Mr. Jay,	ay		Mr. Harnett,	ay	
Duane,	ay	ay	Burke,	ay	ay
Lewis,	ay		Sharpe,	ay	
New Jersey,			*South Carolina,*		
Mr. Fell,	ay		Mr. Drayton,	ay	ay
Houston,	ay	ay			

So it was resolved in the affirmative.

And for such advances as Congress shall direct to be made for the public service: which being entered in the auditors office, and certified to be passed by him, shall be paid. And generally to perform all such duties as shall be assigned them by Congress.

THE AUDITOR GENERAL.

All accounts and claims against the United States (except such as are proper to be adjusted in the field by the auditors of the army) shall be exhibited to him, and the nature or title and the amount of the claim or account being registered, the same shall be referred by him to one of the chambers of accounts for settlement; and being accordingly there adjusted, shall be reported to him: he is then with his assistant to examine the nature of the charges and vouchers, and to reject such as appear to him to be improper, allowing an appeal from his determination to the Board of Treasury, when demanded by the accountant. After examination and previous to their being entered in the books of the treasury, he is to present the accounts to the Board of Treasury for their final determination; he shall direct the method, not only of stating the public books of accounts of the treasury (which are to exhibit a comprehensive view of the finances and expenditures of the United States) but of all other books of

accounts of public offices connected with the treasury, and the manner of their respective returns and reports: and through him all orders and instructions to the chambers of accounts and auditors of the army are to be communicated. All warrants on the treasury or loan offices for issuing public money, are to be entered in the auditor's office, and certified to be passed by him before they shall be paid, and he is forthwith to charge the amount of such warrants to the department or person who is accountable. In case of his absence by sickness or with leave of the Treasury Board, all the duties hereby assigned to him shall be executed by the assistant auditor general, who shall also be the principal accountant in keeping and stating the public books at the treasury.

THE TREASURER

The treasurer is to receive and keep the monies of the United States, and issue them on bills drawn by the President of Congress or Board of Treasury. On receiving money, he shall give a receipt, and on every payment take one to serve as his voucher: he is to render his accounts quarterly to the auditor general, for examination by one of the chambers of accounts, and being reported to and approved by the auditor, and presented by him to the Board of Treasury, and no objections appearing to them, a copy shall be transmitted to Congress. All loan officers shall make monthly returns to him as well as to the Board of Treasury, of the monies in their hands arising from loans, taxes or other means; on which returns he shall charge such officers in his books: when a warrant is drawn on him and he finds it convenient that it should be paid out of the money in any loan office, he shall endorse on the warrant an order to the loan officer, requiring him to discharge it accordingly; but before it is transmitted he shall produce the endorsements to the auditor general, who shall register and certify it to have been passed by him, and the loan officer is authorized and directed to pay it; and both the auditor general and the treasurer are to credit the loan officer with the sum which he is required to pay by such warrant and order.

On the question to agree to this clause, beginning at "all loan-offices," the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,		
Mr. Whipple,	ay	div.
Peabody,	no	
Massachusetts Bay,		
Mr. Gerry,	no	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
New York,		
Mr. Jay,	ay	ay
Duane,	ay	
Lewis,	ay	
New Jersey,		
Mr. Fell,	ay	ay
Houston,	ay	
Pennsylvania,		
Mr. Shippen,	ay	ay
Searle,	ay	
Muhlenberg,	ay	
Delaware,		
Mr. Vandyke,	ay	ay
Maryland,		
Mr. Carmichael,	ay	ay
Forbes,	ay	
Virginia,		
Mr. Smith,	ay	ay
Fleming,	ay	
Randolph,	ay	
North Carolina,		
Mr. Burke,	ay	ay
Harnett,	ay	
South Carolina,		
Mr. Mathews,	ay	ay
Drayton,	ay	

So it was resolved in the affirmative.

THE CHAMBERS OF ACCOUNTS

The chambers of accounts, on the reference of the auditor general, shall carefully examine claims and accounts against the United States; compare the charges with the allowance by Congress, and the vouchers to support them; reduce such articles as are overcharged, and reject such as are groundless or unjust, as well as the vouchers which shall appear to them incompetent; they shall have power to examine witnesses, being first sworn or affirmed by them, or one of them, and to call for any books or papers in the public offices, or in the custody of any public officer. When they reduce or reject a charge, or set aside a voucher, they shall allow the accountant or claimant an appeal to the auditor general if demanded.

THE AUDITORS OF THE ARMY

The auditors of the army shall respectively reside in the main army or detachment of the army, for which they shall be appointed by the Board of Treasury, and not be absent without leave of the Commander

in Chief or commanding officer. It shall be his duty to call to account all regimental officers indebted to the public: to receive the pay rolls and abstracts of the army from the pay master general or his deputies, who shall previously examine and certify the sum due; to settle all other accounts of the army, excepting those in the departments of the quarter master, pay master, directors, clothier, barrack master, or commissaries of provisions, prisoners, or military stores; but when any articles in any of those departments are mixed with charges within the immediate duty of the auditor, he shall settle the whole account notwithstanding. He shall also adjust all other accounts which he shall be instructed by the Board of Treasury to do. He shall present the accounts settled by him, and the abstracts, with certificates of what is due, to the Commander in Chief or commander of a detachment, having a military chest, who shall thereupon, unless he have reasons to the contrary, issue warrants on the pay master, or deputy pay master general, in discharge thereof. He shall make report of all his settlements and transactions to the auditor general, at such times and in such forms as shall be directed by the auditor general. In all other respects he shall execute his duty as prescribed by act of Congress, dated the 6th day of February, 1778, and such instructions as he shall, from time to time, receive from the Board of Treasury.

Resolved, That Friday next be assigned for nominating officers for the Board of Treasury, and the Friday following for electing them.

Congress proceeded to the consideration of the report of the committee instructed to consider of a farther allowance to be made to the officers of the army; and, on reading the first paragraph and amendment thereof, for extending the half pay of the officers of the army during life, a motion was made by Mr. [Henry] Laurens, seconded by Mr. [William Churchill] Houston,

To postpone the farther consideration of the first paragraph of the report and amendment proposed, until the House shall have considered and determined on those parts of the report which recommend an augmentation of the monthly subsistence of officers of the army.

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

New Hampshire,		
Mr. Whipple,	ay	ay
Peabody,	ay	
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Connecticut,		
Mr. Huntington,	ay	ay
Spencer,	ay	
New York,		
Mr. Jay,	no	no
Duane,	no	
Lewis,	no	
New Jersey,		
Mr. Fell,	no	div.
Houston,	ay	
Pennsylvania,		
Mr. Armstrong,	no	no
Shippen,	ay	
Searle,	no	
Muhlenberg,	no	
Delaware,		
Mr. Van Dyke,	no	no
Maryland,		
Mr. Carmichael,	no	no
Forbes,	no	
Virginia,		
Mr. Smith,	no	no
Fleming,	no	
Randolph,	no	
North Carolina,		
Mr. Harnett,	no	no
Burke,	no	
Hewes,	no	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	ay	no
Mathews,	no	
Drayton,	no	

So it passed in the negative.

Congress proceeded in the consideration of the said paragraph and amendments, and some time being spent thereon,

Adjourned to 10 oClock to Morrow.

SATURDAY, JULY 31, 1779

Congress proceeded to the consideration of the report of the committee on the letters from A. Lee, Esq. and the communications of the Minister of France, and some time being spent thereon,

The subject being again resumed, a motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Henry]

Marchant, to take into consideration the third proposition, moved on the 19th June, which was postponed on the 17th instant.

And on the question to agree to this, the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,		
Mr. Whipple,	ay	ay
Peabody,	ay	
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Collins,	ay	
Connecticut,		
Mr. Huntington,	no	no
Spencer,	no	
New York,		
Mr. Jay,	no	no
Duane,	no	
Morris,	no	
Lewis,	no	
New Jersey,		
Mr. Fell,	no	no
Houston,	no	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Shippen,	ay	
Searle,	no	
Muhlenberg,	no	
M'Lene,	ay	
Delaware,		
Mr. Dickinson,	no	no
Vandyke,	no	
M'Kean,	no	
Maryland,		
Mr. Carmichael,	no	no
Henry,	no	
Forbes,	no	
Virginia,		
Mr. Smith,	no	no
Fleming,	no	
Randolph,	no	
North Carolina,		
Mr. Penn,	no	no
Harnett,	no	
Burke,	no	
Hewes,	no	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	ay	no
Mathews,	no	
Drayton,	no	

So it passed in the negative.

Congress then proceeded to the consideration of the report of the committee on the letter from Mr. Lee, and the communications of the minister of France; and the preliminary article being read, viz. "That pre-"vious to any treaty, or negotiation for peace, the

"liberty, sovereignty, and independence of these "United States, as well in matters of government "as of commerce, be acknowledged on the part of "Great Britain,"

A motion was made by Mr. [Thomas] Burke, seconded by Mr. [James] Duane, after the word "acknowledged," to insert the words "or tacitly assured."

And on the question to agree to this amendment, the yeas and nays being required by Mr. [Elbridge] Gerry—

New Hampshire,		
Mr. Whipple,	no	no
Massachusetts Bay,		
Mr. Gerry,	no	no
Lovell,	no	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	no	no
Collins,	no	
Connecticut,		
Mr. Huntington,	no	no
Spencer,	no	
New York,		
Mr. Jay,	ay	ay
Duane,	ay	
Morris,	no	
Lewis,	ay	
New Jersey,		
Mr. Fell,	ay	div.
Houston,	no	
Pennsylvania,		
Mr. Armstrong,	no	no
Searle,	no	
Muhlenberg,	no	
M'Lene,	no	
Delaware,		
Mr. Vandyke,	no	no
M'Kean,	no	
Maryland,		
Mr. Carmichael,	ay	ay
Forbes,	ay	
Virginia,		
Mr. Smith,	ay	ay
Fleming,	ay	
Randolph,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Harnett,	ay	
Burke,	ay	
Hewes,	ay	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	no	no
Mathews,	no	
Drayton,	ay	

So it passed in the negative.[1]

Adjourned to 10 oClock on Monday.

[1] These proceedings were entered only in the manuscript Secret Journal, Foreign Affairs.

MONDAY, AUGUST 2, 1779

A letter, of 25 July, from the governor of New York, was read, accompanied by sundry acts of the legislature of that State.

Another letter, of the 26 July, from the said governor, was read:[1]

Ordered, That it be referred to the committee appointed to bring in a new arrangement of the several departments.

A letter, of the 6 July, from W. Bingham, was read, enclosing sundry papers ~~relative to the capture of an American vessel by a French privateer~~:

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

The members chosen, Mr. [William Henry] Drayton, Mr. [Thomas] McKean, Mr. [Henry] Marchant, Mr. [Edmund] Randolph, and Mr. [John] Henry.

Another letter, of 29, and one, of 30 June, continued to the 12 July, were read:

Ordered, That the latter be referred to the Committee on Foreign Affairs.

A letter, of 7, and one of 11th July, from Major General W. Philips, were read, accompanied with sundry papers:[2]

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

The committee to whom was referred the memorial of the Minister Plenipotentiary of France, of the 26 July, with sundry papers relating thereto, with authority to confer with the president and supreme executive council of Pensylvania, and the Minister and consul of France, and who were directed to prepare and report a state of facts, together with their opinion of the measures proper for Congress to adopt thereupon, brought in a report; Whereupon,

[1] These letters are in the *Papers of the Continental Congress*, No. 67, II, folios 202, 206.

[2] These letters are in the *Papers of the Continental Congress*, No. 57, folios 353, 367.

That they have considered the several papers referred to them and agreeably to the authority given, held a conference thereon, with the president and supreme executive council of Pensylvania and the Minister Plenipotentiary of France; that it would consume much time to prepare and report a full state of facts, and procrastinate the determinations of Congress, which the exigency of affairs will not properly admit of; they, therefore, pray the indulgence of the House to confine themselves to those things only which are of more immediate importance, and they report,

1st That they are fully convinced the charges made against the consul of France in the Pensylvania Packet, of the 24th of July, 1779, are unjust and ill founded:

2ly That the president and supreme executive council of Pennsylvania have already taken measures to obtain and restore the flour taken from the said consul, and mentioned in the said publication:

3ly That the said president and council have assured the committee of their solicitude to do every thing in their power to redress the matters contained in the said memorial:

4thly That the persons who have been guilty of the violences and insults complained of are not known ~~as any body corporate or politick,~~ to the laws and constitution of Pennsylvania as having any legal authority:

5thly That by the said laws, are punishable as well, violences and insults against the laws of nations as those against the laws of property and personal freedom:

6thly That ~~evil disposed persons~~ individuals in the several states may be led to question not only the authority, but even the office of foreign consuls from the defect of a due notification thereof to the executive powers of the said states respectively:

And 7thly, That it appears ~~necessary, in order to allay the disquietude and just apprehensions of the Minister,~~

~~signified in his Memorial.~~ proper to give to the Minister of France full and explicit assurances of protection for the servants of his most Christian Majesty.[1]

Resolved, That the Minister of France be assured that Congress will at all times afford every countenance and protection to the consuls and other servants of his most Christian Majesty within the powers and authorities to them delegated by their constituents:

That the several appointments of consuls made, and which may hereafter be made and approved by Congress, be duly registered in the Secretary's office and properly notified by the President to the executive authorities of the respective states in whose ports such consuls may reside:

That the measures taken by Mr. Holker to procure flour for the fleet of his most Christian Majesty in the way of commerce, have from time to time been made known unto, and been fully approved by Congress; that the several proceedings and publications complained of by the Minister on that subject are very injurious to the servants of his said Majesty, and that Congress do highly disapprove of the same:

That the president and supreme executive council of Pensylvania be informed that any prosecutions which it may be expedient to direct, for such matters and things in the said publications or transactions as may be against the laws of nations, shall be carried on at the expence of the United States:

~~That it be recommended to the Executive Powers of the several states to give every necessary and proper countenance and protection to the public Ministers and Servants of his Most Christian Majesty and other Powers, in alliance with these United States.~~

That the Minister of France be informed that the president and supreme executive council of Pensylvania, have taken

[1] To this point the report was printed in the *Secret Journals, Foreign*, Vol. II, p. 216. It was entered on the general Journal in error, and stricken out.

proper measures to restore the flour taken from the agents of Mr. Holker.[1]

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the Treasurer, in favour of the delegates of the State of North Carolina, on their application, for thirty three thousand dollars, for the use of the troops of the said State in the continental service; and for which that State is to be accountable.

That a warrant issue on the treasurer, in favour of the delegates of the State of Maryland, on their application, for six thousand dollars; for which the said State is to be accountable.[2]

Ordered, That the farther consideration of the report be postponed.

The committee to whom was referred the letter of 13 July, from General Washington, brought in a report, which was read.

Your Committee to whom was referred General Washington's letter of the 13th July, 1779, with the enclosures, Beg leave to report, the following draft of a letter from the President to the minister plenipotentiary of the United States at the Court of Versailles:

Sir,

The burning of ~~Portsmouth and~~ Suffolk in Virginia, Fairfield, East Haven, Green's Farms and Norwalk in Connecticut, together with the ravages committed in Georgia and South Carolina, form a cruel commentary upon the proclamation of the British Commissioners. This proclamation was defended in their Parliament as meaning no more than that in future the war was to be carried on against America as against other nations. It becomes therefore a common cause of all nations to punish a people who so daringly violate the rights of humanity, and it is

[1] This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 25, I, folio 141.

[2] This paragraph formed a report, dated July 31, and is in the *Papers of the Continental Congress*, No. 136, III, folio 505. The two paragraphs are repeated in a report on folio 507.

particularly incumbent upon the United States as well to check their present barbarities, as to conform to the Manifesto published in answer to the Proclamation above mentioned, and to deter all others by striking examples from a breach of those laws which are held sacred among civilized nations. I am therefore to instruct you that you employ Incendiaries to set fire to the Capital of the British Dominions, particularly the royal Palace, and to such other Towns in Great Britain as may be most expedient, and that as soon as some great object of this sort can be accomplished, you do in a proper Manifesto avow the same as having been done by the order of Congress, and declare that they are determined at all times to meet their enemies in whatever kind of war they shall chuse to carry on, whether it be of civilized or of savage nations, and call upon all the Powers of Europe, who may have formerly suffered by the Pride and Cruelty of Great Britain, or who feel a just indignation against her present conduct to join their efforts in vindicating the insulted laws of humanity.

I am, etc.[1]

Adjourned to 10 o'Clock to Morrow.

TUESDAY, AUGUST 3, 1779

A letter, of 29 July, from General Washington, was read:

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

A letter, of 28 July, from Major General Greene, enclosing a number of papers; and one, of 5 of same month, from James Cole Mount Florence, were read:[2]

Ordered, That the same be referred to the committee for arranging the several departments.

A letter, of 20th July, from the council of Massachusetts bay, was read:

Ordered, That it be referred to the Marine Committee.

Two papers directed to John Allan, one from John Starr and the other from John Prebble, were read:

[1] This report, in the writing of Gouverneur Morris, is in the *Papers of the Continenta Congress*, No. 19, VI, folio 271. It is endorsed: "Burning Report."

[2] Washington's letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 451; that of Mount Florence, in No. 78, V, folio 385.

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

A letter, of 28 July, from Doctor W. Shippen, was read;[1] Whereupon,

The Medical Committee, to whom were referred the several papers and memorials from the officers of the Medical department, brought in a report, which was read:

Ordered, That the same be taken into consideration, when the report from the committee on a farther allowance to the officers of the army is considered.

On motion of Mr. [James] Duane, seconded by Mr. [William] Carmichael,

Ordered, That a warrant issue on the treasurer, in favour of Colonel William Palfrey, paymaster general for five hundred thousand dollars, to be transmitted to Joseph Clay, deputy paymaster general in South Carolina, for the use of the troops in his department; for which the said deputy paymaster general is to be accountable.

That a warrant issue on the treasurer, in favour of William Palfrey, paymaster general, for one hundred thousand dollars, to be transmitted to Benjamin Harrison, Jun. deputy paymaster general in Virginia, for the use of the troops in his department; for which the said deputy paymaster general is to be accountable.

Whereas Thomas White, of Kent county, in the State of Delaware, yeoman, was arrested by Brigadier General Smallwood, in pursuance of an order of Congress of the 26th day of March, 1778, and afterwards on the 27th day of May, in the same year, was permitted to remain at his own house on parole:

On motion of the delegates of Delaware,

Resolved, That the said Thomas White be discharged from his parole.

[1] The Allan papers are in the *Papers of the Continental Congress*, No. 78, I, folios 273, 275; the Shippen letter is in No. 78, XX, folio 435.

Congress proceeded to the consideration of the report of the committee on the letters from A. Lee, Esq. and the communications from the Minister Plenipotentiary of France, and some time being spent thereon,

Congress resumed the consideration of the preliminary article; and on motion of Mr. [Thomas] Burke, seconded by Mr. [James] Duane,

Resolved, That the word "acknowledged" be expunged; and that in lieu thereof the word "assured" be inserted. And that after "Great Britain" be inserted the words, "agreeable to the eighth article of the treaty "of alliance between his most christian majesty and "these United States."

And on the question,

Resolved, N. D. C., That previous to any treaty, or negotiation for peace, the liberty, sovereignty, and independence, absolute and unlimited, of these United States, as well in matters of government, as of commerce, shall be assured on the part of Great Britain, agreeable to the treaty of alliance between his most christian majesty and the United States.

And if the same shall be done,

Resolved, That the minister or ministers of these United States assist at, and contract and stipulate in such negotiation for peace, as may be set on foot under the mediation of his catholick majesty, or otherwise.[1]

Resolved, That so much of the paragraph in the report as precedes the former resolution from "That in the event of a negotiation—to preliminary" both inclusive, be struck out.

Adjourned to 10 o'Clock to Morrow.

[1] These proceedings were entered only in the manuscript Secret Journal, Foreign Affairs.

WEDNESDAY, AUGUST 4, 1779

A letter, of 28 July, from Joseph Dashiell, was read:

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

A letter, of 4th, from Daniel S. [J.] Adams, was read, enclosing an account:

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

A letter, of 29 July, from General Washington, was read.

A letter, of 25 July, from Major General Gates, was read, enclosing sundry papers from No. 1 to 14:[1]

Ordered, That the letter from Brigadier General Glover to Major General Gates, dated New Haven, June 18, 1779, being one of the papers enclosed, marked No. 8, be referred to the Committee of Intelligence, and that the letter with the other papers enclosed be referred to the Board of War.

The committee to whom was referred the memorial of the Minister Plenipotentiary of France, relative to the ship *Mary and Elizabeth's* cargo, brought in a report, which was read; Whereupon,

Resolved, That Congress do not entertain any suspicion that Mr. Holker, agent of the marine of his most Christian Majesty, had any participation in, or knowledge of the shipping of provisions on private account on board vessels despatched in the name of his most Christian Majesty.

Resolved, That frauds by masters and shippers are offences against the municipal laws, and are to be investigated by the magistrates of the states respectively.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of William Young, steward to the President of Congress, for

[1] Dashiell's letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 251; that of Adams, in No. 78, I, folio 295; that of Washington, in No. 152, VII, folio 455; that of Gates, in No. 154, II, folio 140.

five thousand dollars, for which the said steward is to be accountable.[1]

That a warrant issue on the treasurer, in favour of David C. Claypole, for six thousand three hundred and seventy three dollars, in full of the ballance due to him for printing, from May 4, to July 9th, inclusive, as reported by the commissioners of claims.[2]

That a warrant issue on the treasurer, in favour of Mr. J[ohn] Collins, one of the delegates of Rhode island, on his application for two thousand dollars; for which the said State is to be accountable.[3]

Ordered, That Mr. [John] Henry have leave of absence.

The committee, to whom were referred the letters from A Lee, Esq. and the communications of the Minister plenipotentiary of France, in his memorial of the 9th, and in the private audience of the 15 February, brought in a report; Whereupon,

Resolved, That previous to any treaty or negotiation for peace, the liberty, sovereignty and independence absolute and unlimited of these United States, as well in matters of government as of commerce, shall be assured on the part of Great Britain, agreeable to the eighth article of the Treaty of Alliance between his most Christian Majesty and these United States. And if the same shall be done,

Resolved, That the minister or ministers of these United States assist at, and contract and stipulate in, such negotiation for peace as may be set on foot under the mediation of his Catholic Majesty, or otherwise.

That in the negotiations the following ultimatum be insisted on:

1. That the thirteen United States are bounded: North, by a line to be drawn from the northwest angle of the boundary of Nova Scotia, along the high lands which divide the rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic, to Connecticut river, thence down that river to the

[1] This report, dated July 29, is in the *Papers of the Continental Congress*, No. 136, III, folio 501. A second report, dated August 4, containing the item on Young, is on folio 511.

[2] The report of the Chamber of Accounts, dated August 4, confirming the account, is in the *Papers of the Continental Congress*, No. 136, III, folio 517.

[3] This report is in the *Papers of the Continental Congress*, No. 136, III, folio 501.

45 degree of north latitude, thence in that latitude to the river St. Lawrence, thence to the south end of lake Nipissing, and thence to the source of the Mississippi; West, by a line drawn along the middle of the river Mississippi from its source to that part of the said river which lies in latitude 31 degrees north from the equator; thence south, by a line drawn due east to the river Apalachicola or Catahouche, thence to the junction thereof with the Flint river, thence in a straight line to the head of St. Mary's, and thence by a line along the middle of St. Mary's river to the Atlantic ocean; East, by a line drawn along the middle of St. John's from its mouth to its source, or by a line to be settled and adjusted between that part of the state of Massachusetts bay, formerly called the province of Maine, and the colony of Nova Scotia, agreeably to their respective rights, comprehending all islands within twenty leagues of any part of the shores of the United States, between lines drawn due east from the points where their boundary lines between Nova Scotia on the one part and Florida on the other part shall touch the Atlantic Ocean; provided, that if the line to be drawn from lake Nipissing to the head of the Mississippi cannot be obtained without continuing the war for that purpose, then, that a line or lines may be drawn more southerly so as not to be southward of a line in latitude 45 north.

2. Every post and place within the United States, and every island, harbour and road to them, or any of them belonging, be absolutely evacuated by the land and sea forces of his Britannic Majesty, and yielded to the powers of the States to which they respectively belong.

3. That in no case by any treaty of peace, the common right of fishing be given up.

Resolved, That a cessation of hostilities during the negotiation may be agreed to, but not without the consent of our ally, nor unless it shall be previously stipulated that all the forces of the enemy shall be immediately withdrawn from the United States.

Resolved, That it is essential to the welfare of all these United States that the inhabitants thereof, at the expiration of the war, should continue to enjoy the free and undisturbed exercise of their common right to fish on the banks of Newfoundland, and the other fishing banks and seas of North America, preserving inviolate the treaties between France and the said States.

Resolved, That an explanatory article be prepared and sent to our minister plenipotentiary at the court of Versailles, to be by

him presented to his most Christian Majesty, whereby the said common right to the fisheries shall be more explicitly guaranteed to the inhabitants of these States than it already is by the treaties aforesaid.

Resolved, That the faith of Congress be pledged to the several states that without their unanimous consent, no treaty of commerce shall be entered into, nor any trade or commerce whatsoever carried on with Great Britain, without an explicit stipulation on her part not to molest or disturb the inhabitants of the United States of America in taking fish on the banks of Newfoundland and other fisheries in the American seas any where, excepting within the distance of three leagues of the shores of the territories remaining to Great Britain at the close of the war, if a nearer distance cannot be obtained by negotiation.

Resolved, That if after a treaty of peace with Great Britain, she shall molest the citizens or inhabitants of any of the United States in taking fish on the banks and places described in the last foregoing resolution, such molestation being, in the opinion of Congress, a direct violation and breach of the peace, shall be a common cause of the said States, and the force of the union be exerted to obtain redress for the parties injured.

The committee appointed to prepare a commission for the minister plenipotentiary to be appointed to negotiate a treaty of peace brought in a draught, which was read;

Ordered, That the same be taken into consideration to-morrow.

Resolved, That a committee of five be appointed to prepare instructions for the minister plenipotentiary of these United States, to be appointed for negotiating a peace.

The members chosen, Mr. [Gouverneur] Morris, Mr. [Henry] Laurens, Mr. [Samuel] Huntington, Mr. [John] Dickinson, and Mr. [Thomas] McKean.[1]

Adjourned to 10 o'Clock to Morrow.

[1] This record of the action of Congress on the question of peace negotiations, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 25, I, folio 235. The last resolution and the committee were entered only in the manuscript Secret Journal, Foreign Affairs.

THURSDAY, AUGUST 5, 1779

Mr. [Nathaniel] Scudder, a delegate of New Jersey, attended and took his seat in Congress.

A memorial, of this day, from the Minister Plenipotentiary of France, was read:[1]

On a motion of Mr. [Gouverneur] Morris, seconded by Mr. [William] Carmichael,

Ordered, That a copy of the said memorial be transmitted to his excellency the president and supreme executive council of Pensylvania; ~~and that they be informed that Congress do not desire any~~

A motion was made by Mr. [Gouverneur] Morris, seconded by Mr. [William] Sharpe, to add to the foregoing order,

And that the resolutions therein referred to be published in the newspapers:

On which, the yeas and nays being required by Mr. [Gouverneur] Morris,

New Hampshire,			*Pennsylvania,*		
Mr. Peabody,	no	no	Mr. Armstrong,	no	
Massachusetts Bay,			Shippen,	no	
Mr. Lovell,	no		Atlee	no	no
Holten,	no	no	Searle,	no	
Rhode Island,			McClene,	no	
Mr. Marchant,	no		*Delaware,*		
Collins,	ay	div.	Mr. Dickinson,	no	
Connecticut,			Van Dyke,	no	no
Mr. Spencer,	no	no	McKean,	no	
New York,			*Maryland,*		
Mr. Morris,	ay		Mr. Carmichael,	no	
Lewis,	no	div.	Forbes,	ay	div.
New Jersey,			*Virginia,*		
Mr. Scudder,	no		Mr. Smith,	ay	
Houston,	no	no	Fleming,	ay	ay
			Randolph,	ay	

[1] This memorial is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, folio 286.

North Carolina,			*South Carolina,*		
Mr. Penn,	ay	ay	Mr. Laurens,	ay	ay
Harnett,	ay		Mathews,	ay	
Burke,	ay		Drayton,	ay	
Sharpe,	ay				

So it passed in the negative.

A letter from Captain [P.] Colomb, was read:[1]

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

A letter, of 13 July, from S. Talbot, was read, containing an account of his successful cruize:

Ordered, That it be referred to the Marine Committee, and that they be instructed to give orders for purchasing the brig therein mentioned, if they judge it proper.

A letter, of 4th, from the Board of War, was read.[2]

Congress proceeded to the consideration of the report of the committee on the letters from A. Lee, Esq. and the communications of the Minister Plenipotentiary of France, and some time being spent thereon,

Congress resumed the consideration of the report of the committee on the letters from Mr. Lee, and communications of the minister of France. And on motion of Mr. [Thomas] M'Kean, seconded by Mr. [Gouverneur] Morris,

Resolved, That so much of the said report as relates to the obtaining a subsidy from Spain be postponed.

A motion was then made by Mr. [Thomas] M'Kean, seconded by Mr. [Gouvernuer] Morris,

That, if contrary to the humane wishes of the United States, Great Britain should obstinately persist in the prosecution of the present unjust war, the minister plenipotentiary of these United States be instructed and empowered to consult on, prepare and conclude, with the ministers of his most christian and of his catholick

[1] This letter is in the *Papers of the Continental Congress,* No. 78, V, folio 393.

[2] This letter is in the *Papers of the Continental Congress,* No. 147, III, folio 557.

majesty, a treaty or treaties, offensive and defensive; in which offensive treaty, nevertheless, he shall insert, on the part of these states, a proper article or articles for obtaining Canada, Nova Scotia, and the islands of Bermuda; and an equal share in, and full acknowledgment of, the equal common right of these states to the fisheries.

A motion was made by Mr. [John] Mathews, seconded by Mr. [Thomas] Burke, after the word "Bermuda," to insert "the Floridas."

On the question to agree to this amendment, the yeas and nays being required by Mr. [John] Mathews—

New Hampshire,		
Mr. Whipple,	ay	ay
Peabody,	ay	
Massachusetts Bay,		
Mr. Lovell,	ay	ay
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	div.
Collins,	no	
Connecticut,		
Mr. Huntington,	no	no
Spencer,	no	
New York,		
Mr. Morris,	no	div.
Lewis,	ay	
New Jersey,		
Mr. Scudder,	ay	ay
Houston,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Atlee,	ay	
Searle,	ay	
M'Lene,	ay	
Delaware,		
Mr. Vandyke,	ay	ay
M'Kean,	ay	
Maryland,		
Mr. Carmichael,	no	no
Forbes,	no	
Virginia,		
Mr. Smith,	ay	ay
Fleming,	ay	
Randolph,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Harnett,	ay	
Burke,	ay	
Hewes,	ay	
South Carolina,		
Mr. Laurens,	ay	ay
Mathews,	ay	
Drayton,	ay	

So it was resolved in the affirmative.

A motion was made by Mr. [Meriwether] Smith, seconded by Mr. [Thomas] Burke, to insert after "Floridas," the words "the free navigation of the river Mississippi."

On the question to agree to this amendment, the yeas and nays being required by Mr. [Meriwether] Smith—

New Hampshire,			*Delaware,*		
Mr. Whipple,		no	Mr. Vandyke,	ay	ay
Massachusetts Bay,			M'Kean,	ay	
Mr. Lovell,	ay	ay	*Maryland,*		
Holten,	ay		Mr. Carmichael,	no	no
Rhode Island,			Forbes,	no	
Mr. Marchant,	ay	div.	*Virginia,*		
Collins,	no		Mr. Smith,	ay	ay
Connecticut,			Fleming,	ay	
Mr. Huntington,	ay	div.	Randolph,	ay	
Spencer,	no		*North Carolina,*		
New York,			Mr. Penn,	ay	ay
Mr. Morris,	no	no	Harnett,	ay	
Lewis,	no		Burke,	ay	
New Jersey,			Hewes,	ay	
Mr. Scudder,	ay	ay	*South Carolina,*		
Houston,	ay		Mr. Laurens,	ay	ay
Pennsylvania,			Mathews,	ay	
Mr. Armstrong,	ay	ay	Drayton,	ay	
Shippen,	ay				
Atlee,	ay				
Searle,	ay				
M'Lene,	ay				

So it was resolved in the affirmative.[1]

Adjourned to 10 o'Clock to Morrow.

[1] These proceedings were entered only in the manuscript Secret Journals, Foreign Affairs.

FRIDAY, AUGUST 6, 1779

The Committe on the Treasury brought in a report; Whereupon,

Resolved, That a copy of the petition of William Smith, in behalf of William Moore, of Moore hall, touching claims for articles taken by the army whilst stationed at Valley Forge, and the papers accompanying it, be transmitted to Major General Mifflin, late quarter master general, and that he be directed to pay for the horses which shall appear to have been taken for the army, agreeable to an appraisement made the 4th of May last, by Edward Lane and John and James Haner, conductors of continental teams, and for such other articles as were taken for the army and committee of Congress, at the rate established for other persons in similar circumstances, making report to the Board of Treasury of the sums so paid.

Ordered, That a warrant issue on the treasurer, in favour of Mr. C[ornelius] Harnett, one of the delegates for the State of North Carolina, on his application, for three thousand dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. J[ames] McLene, one of the delegates for the State of Pensylvania, on his application, for fourteen hundred dollars; for which the said State is to be accountable.

The Board of Treasury having prepared a table for the payment of interest, agreeable to the resolve of Congress of June 29, 1779, submitted the same to Congress for approbation.[1]

Ordered, That the consideration thereof be postponed.

A memorial from W. Govett and other officers in different departments of the Treasury, was read:[2]

Ordered, That the same be taken into consideration on Monday next.

[1] This report, dated August 5, is in the *Papers of the Continental Congress*, No. 136, III, folio 519.

[2] This memorial is in the *Papers of the Continental Congress*, No. 41, III, folio 453. It was signed by Govett, R. Smith, William Geddes, Robert Troup, and Joseph Nourse.

The Board of Treasury report, that they have appointed John Levinus Clarkson, William Ramsay, and Patrick Ferrill, signers of bills of credit.[1]

The Board of Treasury, to whom was re-committed their report [of July 12] respecting an allowance for the commissioners in Europe, brought in a report; Whereupon,

Resolved, That an allowance of 11,428 livres tournois per annum, be made to the several commissioners of the United States in Europe for their services, besides their reasonable expences respectively:

That the salary, as well as the expences, be computed from the time of their leaving their places of abode to enter on the duties of their offices, and be continued three months after notice of their recall, to enable them to return to their families respectively:

That the several commissioners, commercial agents and others in Europe entrusted with public money, be directed to transmit, without delay,* their accounts and vouchers, and also triplicate copies of the same to the Board of Treasury of these United States in order for settlement.[2]

*For inserting the words "without delay," which were moved by Mr. [Henry] Marchant, and seconded by Mr. [Henry] Laurens; the yeas and nays being required by Mr. [Henry] Laurens,

New Hampshire,			*Connecticut*,		
Mr. Peabody,	ay	ay	Mr. Huntington,	ay	ay
Massachusetts Bay,			*New York*,		
Mr. Gerry,	ay		Mr. Jay,	ay	
Lovell,	no	ay	Lewis,	ay	ay
Holten,	ay		*New Jersey*,		
Rhode Island,			Mr. Scudder,	ay	
Mr. Marchant,	ay	ay	Fell,	no	ay
			Houston,	ay	

[1] These names were reported to Congress in a letter of the Board, dated August 5, in the *Papers of the Continental Congress*, No. 136, III, folio 517.

[2] The original report added: "And that such Copies be taken at the Publick Expence and be duly authenticated by a Notary Publick."

Pennsylvania,				*Virginia,*			
Mr. Armstrong,	ay			Mr. Smith,	ay		
Atlee,	ay			Fleming,	ay	ay	
Searle,	no	ay		Randolph,	ay		
Muhlenberg,	no			*North Carolina,*			
M'Lene,	ay			Mr. Penn,	ay		
Delaware,				Harnett,	ay	ay	
Mr. Dickinson,	ay			Sharpe,	ay		
Vandyke,	ay	ay		*South Carolina,*			
M'Kean,	ay			Mr. Laurens,	ay		
Maryland,				Drayton,	ay	ay	
Mr. Carmichael,	ay						
Forbes,	ay	ay					

So it was resolved in the affirmative.

Resolved, That a suitable person be appointed by Congress to examine the said accounts in Europe, and certify his opinion thereon previous to their being transmitted:

That the Board of Treasury be directed to report for Mr. Deane a reasonable allowance, for his time and expences from the expiration of three months after the notice of his recall to the present time.[1]

A motion was made by Mr. [Samuel] Huntington, seconded by Mr. [John] Fell,

That the Hon. Silas Deane, Esq. late one of the commissioners at the court of Versailles, and political and commercial agent, be excused from any further attendance on Congress, in order that he may settle his accounts without delay, agreeable to the foregoing resolution.

A motion was made by Mr. [Henry] Marchant, seconded by Mr. [Thomas] M'Kean, to amend the motion by striking out the words "in order," &c. to the end:

Question, shall those words stand? Passed in the negative.

[1] In the original report the paragraph read: "That a further allowance be made to the said Silas Deane, at the rate of four thousand continental dollars per annum, for his time, in addition to his reasonable expences from the expiration of the said three months after his recall until the present period." The report, dated July 31, is in the *Papers of the Continental Congress*, No. 136, III, folio 507.

A motion was made by Mr. [Meriwether] Smith, seconded by Mr. [Samuel] Holten, to amend farther by striking out "excused," and in lieu thereof inserting "discharged:"

Question put, resolved in the affirmative.

On the question to agree to the motion as amended, the yeas and nays being required by Mr. [John] Jay,

New Hampshire,		
Mr. Whipple,	ay	ay
Peabody,	ay	
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Connecticut,		
Mr. Huntington,	ay	ay
Spencer,	ay	
New York,		
Mr. Jay,	no	no
Duane,	no	
Lewis,	no	
New Jersey,		
Mr. Scudder,	ay	ay
Fell,	no	
Houston,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Shippen,	ay	
Atlee,	ay	
Searle,	ay	
M'Lene,	ay	
Delaware,		
Mr. Dickinson,	no	no
Vandyke,	no	
M'Kean,	ay	
Maryland,		
Mr. Carmichael,	no	no
Forbes,	no	
Virginia,		
Mr. Smith,	no	*
Fleming,	no	
North Carolina,		
Mr. Penn,	no	no
Harnett,	no	
Sharpe,	ay	
South Carolina,		
Mr. Drayton,	no	no

So it was *Resolved,* that the Hon. Silas Deane, Esq. late one of the commissioners at the court of Versailles and political and commercial agent, be discharged from any further attendance on Congress.

The committee, to whom was referred the memorial from J. Cox and C. Pettit, assistant quarter masters general, brought in a report, which was read:

The Committee to whom was referred a Memorial from John Cox and Charles Pettit, Esq^rs^, Assistant Quarter Masters General, dated

the 7th day of July last, and other papers on the subject-matter of the said Memorial, have according to order taken the same into Consideration. and Report:

That your Committee have been attended by the memorialists, with the Act. of the Lagislature of the State of New Jersey passed in their late session, entitled "An act to raise the sum of one million of "Pounds in the State of New Jersey," of which the said memorialists complain.

That your Committee also received from the memorialists a further Representation of the Hardships to which they will officially as continental Officers be exposed, by the operation of the said act: Declaring that as thay engaged in their Office on a Contract fairly made and which thay have faithfully fulfilled: so they confide that while Congress demand a continuance on their part, they will not permit them to suffer by aney Infringement from a Power which thay cannot lawfully resist.

That on a careful examination of the said Act, your Committee find the suggestion of the Memorialists to be well founded, (to wit), that besides their rateable Taxes, in respect of Property in common with the rest of their Fellow Citizens, thay are subjected to a further specific Tax expressly as assistant Quarter Masters General, of not more than £10,000, nor less than £1000, to be laid at the discretion of the assessors and chosen Freeholders.

That according to the Plan on which the Quarter Master Generals' Office is executed, it is the Duty of Mr Pettit to attend to the supplies of money and keeping the accounts of Expenditures; for which purpose he holds a public Office in the City of Philadelphia where he statedly resides. That Colonel Cox has the General direction of the Military supplies for the Field, and is consequently called to the different States according to the positions and wants of the army.

That all the Deputy Quarter Masters General in the State of New Jersey are made liable by the said Act, to the same additional Tax on account and by the Description of their Office; and all of them are also liable to attend the army in the different States where it may from time to time be posted.

That altho' the Legislature of New Jersey have an undoubted Right to make Laws for the raising supplies on the Citizens of the said State, in the manner they shall think equal and just, and to Tax all property therein however or whereever acquired; Yet your Committee are of opinion that the prejudice which must arise to the Public

service from the exercise of a power to Tax the Staff Officers in the Continental service, merely as such, by any particular State; did not occur to the Legislature of New Jersey at the time of Passing the Law under Consideration.

That it appears to your Committee, that if such a system of Taxation shall obtain, the Officers in Question might be taxed on account of their Offices in more States than one, with equal propriety.

That the Tax assessed on the Office will be so much taken from the United States for the benefit of one or more States assessing the Tax: and the Salary or allowance by Congress, will be so far reduced below what was originally engaged, and a Foundation laid to have it made good out of the public Treasury.

That should such an indemnity be denied it could not be expected that men of responsible worth and property would serve the United States in Offices which would render their Fortunes precarious, expose them to odious Distinctions, and deprive them of the security enjoyed by their fellow citizens.

That your Committee relying on the wisdom and justice of the Legislature of New Jersey cannot doubt but that thay will upon reviewing the said Act be persuaded of its Inconveniences and be disposed to remedy them.

Wherefore your Committee submit the following Resolutions:

Resolved, That Copies of the petition and Representation of the said assistant Quarter Master General be transmitted to the Governor of New Jersey, and that he be requested to lay the same before the Legislature of the said State at their approaching Session. That it be earnestly recommended to the said Legislature to revise the said Law, and remedy the particular evils which must arise to the Service of the United States, by assessing the assistant and Deputy Quarter Masters General by the description and merely on account of their Offices: Congress having reason to beleive that while a discrimination, so much to the disadvantage of the public Service takes place, it will be difficult if not impracticable to engage men of worth and ability to exercise such Offices.

Resolved, That, as it has already been determined that it will be hazardous to the public service to suffer a suden Change in the principal Officers of the said department in the midst of an active campaign: that therefore the resignations of the Memorialists cannot be accepted; and they are enjoined to proceed in the Execution of their Duty until

their successors shall be appointed. And if in the mean time, they shall be compelled to pay a Tax in virtue of the said act of the Legislature of New Jersey, merely on account and by the description of the Offices they hold under the United States, Congress will indemnify them respectively against the same: relying on the Justice of the Legislature of New Jersey to refund any sum which may be chargeable against the United States by means of such indemnity.[1]

Adjourned to 10 o'Clock to Morrow.

SATURDAY, AUGUST 7, 1779

A letter, of the 6, from the Rev. Henry Miller, chaplain to the Germans in the army of the United States, was read, requesting leave to resign:

Resolved, That his resignation be accepted.

A letter, of 6, from Lieutenant Colonel Simms, of the 2d Virginia regiment, was read, requesting leave of absence from the army for some time on account of his private affairs:[2]

Ordered, That a copy thereof be transmitted to the Commander in Chief, and that he take order thereon.

The Board of War, to whom was referred the letter of 7 July, from Major General Phillips, with sundry papers enclosed, having reported thereon,

AT A BOARD OF WAR, *August 5, 1779*.

Present, Col Pickering, Mr. Peters, Genl. Spencer and Col Atlee.

The Board taking into consideration Major Genl. Phillips letter to the President of Congress with its Enclosures on the subject of Lieutenant Governor Hamilton's confinement in Virginia, beg leave to report:

That General Phillips be informed, that Congress will readily attend to any of his representations on the subject of the officers and men of the Convention Troops; but as to the affair of Lieutenant Governor

[1] This report, with the accompanying papers, is in the *Papers of the Continental Congress*, No. 19, V, folio 91.

[2] The letter of Miller is in the *Papers of the Continental Congress*, No. 78, XV, folio 481; that of Simms, in No. 78, XX, folio 447.

Hamilton, the conduct thereof lies entirely with the Government of the State of Virginia, and Congress do not therefore now choose to take any measures therein.

N. B. The Board did not report on the affairs of Cap[t] Edmonstons and the 2 officers requested by General Phillips to go to Canada, having referred the same to the opinion of General Washington, whose answer we wait; mean time Captain E is sent to Mt Holly in New Jersey on parole.[1]

Ordered, That the report of the Board of War and the papers on which it is grounded be referred to a committee of three:

The members chosen, Mr. [Edmund] Randolph, Mr. [Samuel] Huntington, and Mr. [John] Mathews.

A letter, of 2d, from General Washington, with a paper of intelligence enclosed, was read:

Ordered, That it be referred to the standing committee appointed to correspond with the commanding officer in South Carolina.

A memorial from Lieutenant Colonel Knobelauch was read;[2] Whereupon,

The committee on a former memorial from the said Lieutenant Colonel, brought in a report, which was read:

The Committee, to whom the Report of the Board of War, of the 15[th] April, 1779, was referred, report:

That it appears Colonel Knaublauch was earnestly persuaded and strongly encouraged by Doctor Franklin and William Lee, Esq. to make a voyage to America, and to offer his service as an officer in the army of these States.

The certificates which Colonel Knaublauch has produced and other testimony evince that he is an experienced, skilful, gallant and brave officer, and equal to a high command in any army, and the Committee are fully persuaded, he is particularly well qualified for the office of Inspector, or for that of Muster Master General; but inasmuch as there are no vacancies in the Army for employing Colonel Knaublauch, either

[1] This report is in the *Papers of the Continental Congress*, No. 57, folio 365.

[2] This memorial is in the *Papers of the Continental Congress*, No. 78, XIII, folio 527.

in the Line or staff, in a station equal to his merits, the Committee concur in opinion with the Board of War "that the sum of be paid to him for defraying his expences to Europe, and also to reimburse expences which he has already incurred.

That Colonel Knaublauch receive the thanks of Congress for his zeal in the cause of America, and his willingness to serve in the Armies of the United States, and that he be informed, that although Congress entertain a high opinion of his merit, it is impracticable to employ him in any rank suitable to his expectations.

The Committee have received from Colonel Knaublauch the following estimate of his expences from May, 1777, to the 9th July, 1779:

Journey from Germany to Paris	1400	
Expenses while detained in Paris and Nantz, whither I went by direction of Doctor Franklin, waiting for a passage to America	8900	
Passage, self and servant, to America	1200	
Cash about me at my arrival	3000	
	£. 14500	livres
In coin, equal to 604 1/6 french Guineas.		
At Charlestown, on my bills of credit of Mr Atkinson	7000	dollars
At Petersburg, in Virginia, on my bills of credit of Mr King	2000	dollars
Sold divers articles for subsistence in Philadelphia	3000	
Continental	12000	Dollars

Colonel Knaublauch has assured the Committee that he had an offer made to him by the British Ministry in London of the command of two battalions in the English-American Army, which he refused to accept from a determination to serve the United States, particularly encouraged thereto by Doctor Franklin.

The Committee beg leave to observe to Congress that the present circumstances of Colonel Knaublauch appear so truly deplorable, he has been obliged to sell his horse and furniture, his gold epaulettes, sword and pistols, gold buttons and part of his wearing apparel, to the amount of £1493,,8 to pay for board and diet and other unavoidable expences; thus reduced and in danger of being stripped of all his clothes, and reduced to the extremest penury, he humbly implores

Congress to take his case under their consideration, without further delay, and to determine according to their wisdom and justice.[1]

Ordered, That the same be taken into consideration on Monday.

The Board of War, to whom was referred a letter from Captain Colombe, requesting the rank of major, having reported specially thereon:

AT A BOARD OF WAR, *August 6, 1779.*

Present, Col. Pickering and M^r^ Peters.

The Board taking into consideration the application of Mon^sr^ Colombe to be appointed a Major by brevet in the Army of the United States, cannot perceive any thing in his case *as an officer* which should induce them to be of opinion that he is entitled to such promotion under the exception in the Resolve of the 24^th^ November, 1778, which directs. "*That no brevets be for the future granted except to officers in the line or in cases of very eminent services.*" Upon a comparison of his character with others, who have when rank was too lavishly distributed obtained promotions, we think him entitled to it. But as we have not been lately instrumental in promotions of foreign Officers, because we know such promotions give much Offence to our Officers, we have not thought our selves justified in recommending Mon^sr^ Colombe merely because he is a Foreigner, and we believe one too of a good character. We have however agreed to state Mon^sr^ Colombe's case, that Congress may do therein as they are pleased to think proper.

Mon^sr^ Colombe arrived in South Carolina from Spain, in the service of which he was a Lieutenant, in October, 1777. He went from Charleston to Georgia, where he was by the government of that State appointed a Lieutenant of Dragoons on Continental establishment, and from this rank he succeeded by regular gradation to that of a Captain, in which capacity he was taken prisoner by the British troops under Colonel Campbell, and during his captivity was maltreated by the enemy, insomuch that being reduced to the last extremity (as he alledges, for we have no farther information than his own allegations as to all our accounts of him, tho' we have no reason to disbelieve his

[1] This report, in the writing of Henry Laurens, is in the *Papers of the Continental Congress*, No. 19, III, folio 369. It is endorsed: "August 12. Referred to the Board of Treasury, and that they take order thereon. Passed the Board, August 25."

assertions) he entered into an engagement with General Prevost not to serve in America under the *Standard of the United States during* the War. Under this parole as a *French Man*, he thinks himself justifiable in serving, if his King should give him employment in this Country. But on this subject we are not clear. Nor are we so on the propriety (politically considering it) of a gentleman, holding an American Commission, relinquishing it on account of the enemy' s cruelty; however justifiable he might be as a *Man* on the principle of self preservation. He says in excuse for this that he thought it best to gain a chance of serving us as a French Man, rather than die as an American prisoner. He lost his baggage twice and he will not consent that we report a recompense to be given him by Congress.

Our doubts arise on three points:

1. There is nothing in Mon^{sr} Colombe's case to satisfy the words *very eminent services* in the Resolve of Congress.

2. Whether it is *consistent with our National character* to grant promotion to one who has relinquished his Commission, however justifiable in a private view?

3. Whether Mon^{sr} Colombe *can consistently with his character* receive an American promotion after his agreement not to serve under our standard?

We have however to expedite the business, if Congress should differ with us, drawn the form of a report.

That Mon^{sr} Colombe, in consideration of his sufferings and services in the Army of the United States, be promoted to the rank of Major by brevet.[1]

Congress took their report into consideration: and, thereupon,

Resolved, That the request of Captain Colombe be not granted.

Congress proceeded to the consideration of the report of the committee on the letters from A. Lee, Esq. and the communications of the Minister Plenipotentiary of France, and some time being spent thereon,

Congress resumed the consideration of the proposition under debate on the 5th; and the same, as amended,

[1] This report is in the *Papers of the Continental Congress*, No. 147, III, folio 561.

being set aside by the previous question, a motion was made by Mr. [Gouverneur] Morris, seconded by Mr. [Thomas] Burke,

That, if contrary to the humane wishes of the United States, Great Britain should obstinately persist in the prosecution of the present unjust war, the Minister of these United States be empowered and directed to solicit a subsidy from his Catholick Majesty, and to consult with the Ministers of the said King, and of his most Christian Majesty, and with them prepare such article or articles of treaty, as the situation and conjuncture of affairs may render necessary; and transmit the same to Congress for their consideration.

After debate, a motion was made by Mr. [Thomas] Burke, seconded by Mr. [Gouverneur] Morris, to strike out the words "and of his most christian majesty, and "with them prepare such article or articles as the situa- "tion and conjuncture of affairs may render necessary," and in lieu thereof to insert, "on the consideration which "he may be willing to receive from the United States in "return for such subsidy." And on the question, Shall the words moved to be struck out, stand, the vote passed in the negative.

On the question, Shall the words moved, be inserted, the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,			
Mr. Peabody,	no	no	
Massachusetts Bay,			
Mr. Gerry,	no	no	
Holten,	no		
Rhode Island,			
Mr. Marchant,	no	no	
Collins,	no		
Connecticut,			
Mr. Huntington,	ay	ay	
Spencer,	ay		
New York,			
Mr. Jay,	ay	ay	
Morris,	ay		
Lewis,	ay		
New Jersey,			
Mr. Scudder,	ay	ay	
Fell,	ay		
Houston,	ay		

Pennsylvania,				*North Carolina,*			
Mr. Shippen,	ay			Mr. Penn,	ay		
Atlee,	ay	ay		Harnett,	ay	ay	
Muhlenberg,	ay			Burke,	ay		
M'Lene,	ay			Sharpe,	ay		
Delaware,				*South Carolina,*			
Mr. M'Kean,	ay	ay		Mr. Laurens,	ay		
Maryland,				Mathews,	ay	ay	
Mr. Carmichael,	ay	ay		Drayton,	ay		
Forbes,	ay						
Virginia,							
Mr. Smith,	ay						
Fleming,	ay	ay					
Randolph,	ay						

So it was resolved in the affirmative.[1]

Adjourned to 10 o'Clock on Monday.

MONDAY, AUGUST 9, 1779

A letter, of 4th, from Henry Waldegrave Archer, was read.

A letter, of 7, from Colonel William Davies, of 1 Virginia regiment, was read, enclosing a memorial from the field officers of the Virginia line: [2]

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

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. E[lbridge] Gerry, Mr. S[amuel] Holten, and Mr. J[ames] Lovell, delegates for the State of Massachusetts bay, on their application, for thirteen thousand dollars; for which the said State is to be accountable.[3]

[1] These proceedings were entered only in the manuscript Secret Journal, Foreign Affairs.

[2] Archer's letter is in the *Papers of the Continental Congress*, No. 78, I, folio 291; that of Davies, in No. 78, VII, folio 255; the memorial is on folio 259.

[3] This report, dated August 6, is in the *Papers of the Continental Congress*, No. 136, III, folio 523.

That a warrant issue on the treasurer, in favour of Mr. W[illiam] H[enry] Drayton and Mr. J[ohn] Mathews, two of the delegates of South Carolina, for ten thousand dollars, on their application; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Colonel Jeremiah Wadsworth, commissary general of purchases, on the application of Chaloner and White, assistant purchasing commissaries, for two millions five hundred thousand dollars, for the use of his department; for which the said commissary general is to be accountable.[1]

On motion of Mr. [Meriwether] Smith, seconded by Mr. [William Churchill] Houston,

Resolved, That the Minister of France be informed that the resolutions alluded to in his memorial of the 5th instant will be published in the journals of Congress, and that in the meantime, he consider himself at liberty to make such use of the copies transmitted to him as he may think expedient.

A letter, of this date, from Colonel L. Nicola, and a letter, of 30th July, from J[ohn] Carter, continental agent at Williamsburg in Virginia, were read:[2]

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

Congress took into consideration the report of the committee on the propositions of Mr. [Elbridge] Gerry relative to finance, and some time being spent thereon,

Adjourned to 10 o'Clock to Morrow.

[1] This report, dated August 7, is in the *Papers of the Continental Congress*, No. 136, III, folio 527.

[2] Nicola's letter is in the *Papers of the Continental Congress*, No. 163, folio 108; that of Carter, in No. 78, V, folio 381.

TUESDAY, AUGUST 10, 1779

A letter, of 6, from Christ. Hele, was read: [1]

Ordered, That the consideration thereof be postponed.

A copy of a memorial of John Harper & Company, owners of the schooner *Liberty*, to his excellency the governor and council of the State of Virginia; also a copy of an act passed by the State of Massachusetts bay "for making provision for appeals to Congress in certain maritime cases and under certain restrictions", were laid before Congress and read:

Ordered, That the same be referred to the Committee on Appeals.

A letter, of 27 July, from John Avery, enclosing a copy of letter of 2d day of the same month, from John Allan to the president and council of Massachusetts bay, was read: [2]

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

Ordered, That the Committee for Indian Affairs be discharged from the letters of Mr. J. Allan, referred to them, and that the same be committed to the Board of War.

A memorial of Nicholas Low was read, enclosing a copy of a certificate signed John Sullivan, M. G. respecting the sloop *Sally*.[3]

On motion of Mr. [Gouverneur] Morris, seconded by Mr. [James] Duane,

Ordered, That a copy of the memorial and certificate be transmitted to the governor of New York, and that the vessel in the said memorial mentioned be delivered to his order.

A memorial of Robert Patton, was read:

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

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XI, folio 443.

[2] Avery's letter is in the *Papers of the Continental Congress*, No. 78, I, folio 303; that of Allan, on folio 307.

[3] The memorial, dated August 9, is in the *Papers of the Continental Congress*, No. 41, V, folio 212; the certificate is on folio 216.

A certificate of sundry field officers of the Rhode island brigade, in favour of Major Box, was read:

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

A letter, of 9th, from the president of the supreme executive council of Pensylvania, was read, enclosing a copy of Resolutions passed by the said council relative to the complaint of Mr. Holker.[1]

A letter, of 20th, continued to 22 July last, from W. Bingham, was read.

On motion of Mr. [John] Mathews, seconded by Mr. [Henry] Laurens,

Resolved, That the President write to Governor Caswell, to request he would give the necessary orders for forwarding the troops of that State directed to go to South Carolina, with all possible despatch: and that Major General Lincoln be requested to continue his command in South Carolina, if the state of his health will permit, until he shall receive farther directions from Congress.

Ordered, That a copy of the intelligence contained in Mr. Bingham's letter, be transmitted to the Commander in Chief.

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [John] Dickinson,

Resolved, That a committee of three be appointed to prepare a circular letter to the several states, and that they be instructed to report specially what part of the late communications of the Minister of France and of the intelligence contained in Mr. Bingham's letter, they judge proper to be communicated to the several states.

The members chosen, Mr. [John] Dickinson, Mr. [Gouverneur] Morris, and Mr. [Elbridge] Gerry.

The Committee on the Treasury brought in a report; Whereupon,

[1] Patton's memorial is in the *Papers of the Continental Congress*, No. 41, VIII, folio 76; the Officer's certificate, in No. 78, XX, folio 413; the letter of the Council, in No. 69, II, folio 95.

Ordered, That a warrant issue on the treasurer, in favour of Joseph Carleton, paymaster to the Board of War and Ordnance, for one million five hundred thousand dollars, which he is to transmit to the commissioners of the continental loan office, for the State of South Carolina, for the purpose of exchanging bills of the emissions of May 20th, 1777, and April 11, 1778; for which the said commissioners are to be accountable.

That a warrant issue on the treasurer, in favour of Joseph Carleton, paymaster to the Board of War and Ordnance, for five hundred thousand dollars, which he is to transmit to James Green, Esq. commissioner of the continental loan office for the State of North Carolina, for the purpose of exchanging bills of the emissions of May 20, 1777, and April 11, 1778; for which the said commissioner is to be accountable.

That a warrant issue on the treasurer, in favour of Joshua Coit, one of the clerks in the secretary's office for eight hundred dollars; for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. [Samuel] Atlee, one of the delegates for the State of Pensylvania, for fifteen hundred dollars, on his application; for which the said State is to be accountable.[1]

That a warrant issue on the Treasury, in favour of Mr. [Thomas] Burke, one of the delegates of North Carolina, on his application, for six thousand dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. [John] Fell, one of the delegates of New Jersey, on his application, for one thousand dollars; for which the said State is to be accountable.[2]

[1] This report, dated August 10, is in the *Papers of the Continental Congress*, No. 136, III, folio 535.

[2] This report, in the writing of James Duane, and dated August 10, is in the *Papers of the Continental Congress*, No. 136, III, folio 539.

That a warrant issue on the treasurer, in favour of Mr. [William] Sharpe, one of the delegates of the State of North Carolina, on his application, for four thousand dollars; for which the said State is to be accountable.[1]

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, AUGUST 11, 1779

A letter, of 3, from J. Wadsworth, commissary general of purchases, was read, with sundry papers enclosed:[2]

Ordered, That they be referred to the Board of Treasury.

A letter, of this day, from Captain John Macpherson, was read:

Ordered, That it be referred to the Marine Committee.

The committee for arranging the several departments, to whom were referred Governor Clinton's letter, of July 20, General Greene's, of July 28, Captain Mount Florence's, of July 5; and the letter, of 15 July, from the president of Pensylvania, brought in reports, which were read:

The Committee to whom were referred Governor Clinton's letter of July 26th, General Greene's of July 28th with the papers enclosed, and of Capt. Mount Florence of July 5th report on the first and second of the inclosures the following resolutions as proper to be approved by Congress:

1st That it appears by the acknowledgement of the Assistant Quarter Master General, the Commissary general of purchases and the C. G. of Issues, that by reason of the remote situation of many places and other circumstances, it is impossible for them to superintend the conduct of inferior officers in their respective departments, so as to be able to investigate their misbehaviour.

2nd That the Resolution of Congress on the 9th of July last establishes proper regulations for detecting the misconduct of such officers and preventing the mischiefs which may thence result to the public.

[1] This report, dated August 9, is in the *Papers of the Continental Congress*, No. 136, III, folio 531.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 63.

3rd That the said Regulations are calculated to discriminate those officers who have behaved well from such as have abused their trusts, [and] cannot give any just cause of apprehension to those officers who have discharged their duty.

4th That none of the said inferior officers has a right to resign, unless it be with permission.

5th That such permission ought not to be granted to any officer whose service may be required in the midst of a campaign, and if the Head of the Department grant such permission, he be held responsible for all consequences.

6th That none of the said Inferior Officers, whose service may be required, presume to resign as he would wish to avoid the just resentment of his Country, and if he shall dare thus to expose her to injuries, that in such case the Head of the Department be held responsible for all consequences.

On the letter from Captain Mount Florence the Committee report, that the Captain be informed that Congress will pay due attention to any plans and observations which he may think proper to lay before them.[1]

[Report on letter of July 15, from the President of Pennsylvania.]

Resolved, That it be recommended to the Executive Powers of these States immediately to make strict enquiry concerning the number of posts therein, at which Rations of provisions or forage are issued, and that all such posts be abolished, as shall appear to the said powers respectively to be unnecessary. That the person acting at such Posts as shall be continued, or shall hereafter be established, do make regular returns every month to the Chief Magistrate of the State of all issues, and account to him, or such person as he shall appoint for that purpose. That all officers in the Departments, of the Q. M. G., C. G. of purchases and C. G. of Issues in any State, not immediately appointed by Congress, do when called upon by the Executive powers of such State make returns of all the persons employed in their respective Departments within the State, and of the places where they are employed, and appear before the said powers when required. That for the future no Post shall be established in any State for issuing Rations of Provisions or Forage, unless the Q. M. G. shall certify in writing to

[1] This report, in the writing of John Dickinson, is in the *Papers of the Continental Congress*, No. 20, I, folio 351.

the Chief Magistrate thereof that such a post is indispensably necessary for the public service; whereupon the said Magistrate may if he thinks proper on consideration of all circumstances, establish the same, that if any such person, as is before described in the Departments of the Q. M. G., C. G. of purchases, and C. G. of issues, shall refuse or neglect to appear before the said Executive powers when required, or to comply with their orders founded on this resolution, the said Executive powers may suspend or dismiss such person, giving notice thereof to the head of the Department respectively, in which such suspension or dismission shall be had.[1]

On motion of Mr. [Henry] Laurens, seconded by Mr. [Henry] Marchant,

Resolved, That these United States will reimburse to the State of South Carolina, such sums of money as that State may advance for importing such military stores as shall be deemed immediately necessary by the commanding officer of the continental troops in the southern department, for the defence of the said department.

Congress took into consideration the report of the committee on a farther provision for the officers of the army,

Your Committee, to whom it was referred to prepare and report a further Provision to be made for the Officers of the Army of the United States, beg leave to submit the following Resolutions:[2]

Whereas Congress, on the 15th day of May, 1778, did unanimously resolve that all military officers commissioned by Congress who then were, or thereafter might be in the service of the United States, and should continue therein during the War and not hold any office of Profit under these States, or any of them, should after the Conclusion of the War, be entitled to receive annually for the Term of seven Years, if they should live so long, one half of the present Pay of such Officer, with certain Provisoes and Limitations. And whereas the Services, the Sufferings and unshaken Perseverance of the said Officers call forth the grateful Notice of Congress, therefore, as well for

[1] This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 20, II, folio 59.

[2] This report was recommitted, and James Duane has added the following sentence: "to whom was re-committed their report for a farther provision for the officers of the Army &c."

their future comfortable Subsistence as for the Accommodation of their Families, Resolved,

~~That all military commissioned Officers who shall continue commissioned by Congress who are, or shall be in the service of the United States, and shall continue therein during the War, shall after the Conclusion thereof, receive annually during their natural Lives one half of their present Pay.~~

And that the Widows of all such Officers as may die or be killed in the Service shall be entitled to receive one half of the ~~present~~ Pay of their Husbands during their Widowhood.

And, Whereas Congress, on the second Day of June, in the Year 1778, did resolve, that, to the end the Officers might be enabled to live in a Manner becoming their station, a certain Sum of Subsistance Money should be paid to them Monthly; and Whereas the Rise of the Prices of the Necessaries of Life hath rendered the said Subsistence Money inadequate,

Resolved, That untill the further Order of Congress, the said Officers be entitled to receive Monthly for their Subsistence Money, the Sums following, to wit: Every Colonel and Brigade Chaplain, five hundred Dollars, every Lieutenant Colonel, four hundred Dollars; every Major and regimental Surgeon, three hundred Dollars; every Captain, two hundred dollars; and every Lieutenant, Ensign and Surgeon's Mate, one hundred Dollars; And

That, Whenever the Stores of the Commissary General will permit (but not otherwise), the Commander in Chief, or of a seperate Department shall be authorized to order Rum, Sugar, and other foreign Produce to be delivered, under such Restrictions and Regulations as he may think proper, to the Officers at Prices to be computed upon the Prime Cost and reasonable Expences of Transportation. That the said Officers shall give their Receipts for the same, and the Commissaries shall transmit to the respective Paymasters from Time to Time an Account of the Articles so delivered, together with the Prices, that the same may be liquidated in the several Pay Accounts:

And, Whereas it hath been very difficult and in many Cases, impracticable to furnish the non-commissioned Officers and Soldiers with ~~many~~ some of the Articles of Food originally intended for them,

Resolved, That untill the further Order of Congress, the Sum of ten Dollars be paid to every non-commissioned Officer and Soldier Monthly for their Subsistence.[1]

[1] This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 21, folio 141.

Your Committee, to whom it was referred to report a further provision for the army, submit the following Resolution, to wit:

Whereas, by the depreciation of the Continental money and the rapid rise of articles necessary for subsistence, the pay and subsistence money allowed to the Officers and Soldiers hath become inadequate, therefore,

Resolved, That the following subsistence be allowed to every officer and soldier until the further order of Congress

To every Colonel,	——	Ensign,	——
L^{t}. Colonel,	——	Surgeon,	——
Major,	——	Surgeon's mate,	——
Captain,	——	Non com^{d} officer and private,	——
Lieu^{t},	——		

And whereas in some cases it hath happened that public stores of rum have, without the express order of Congress, been delivered out to the Officers at a low rate, whereby the great consumption in one quarter hath produced want in others,

Resolved, That such practises shall not in future be admitted, and that every commanding officer who shall give order therefor shall incur the displeasure of Congress.

And whereas, it will be inconvenient for the Officers to supply themselves with rum, sugar and the like while in camp, therefore resolved that whenever the commissaries stores will admit of it then the Commander in Chief or of a separate department shall be empowered to cause the same to be delivered to the officers at a reasonable price computed upon the prime cost and the necessary expense of transportation and the officers shall give their receipts therefor to the Commissary who shall forthwith file copies thereof with the respective paymasters, that so the same may be liquidated in the several pay accounts.[1]

And a part of the report having been struck out, viz.

"That all military officers commissioned by Congress, who are or shall be in the service of the United States, and shall continue therein during the war, shall, after the conclusion thereof, receive annually during their natural lives half of their pay."

[1] This undated report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 33, folio 313. It is not the report mentioned in the text, but is on the same subject.

A motion was made by Mr. [Thomas] Burke, seconded by Mr. [Thomas] M'Kean,

To amend the report by inserting in the room of the words struck out, as follows:

"That the half pay provided by the resolution of the 15 May, 1778, be extended to continue for life; and that the holding of a civil office under the United States, or any of them, shall be no bar to prevent any officer from receiving the same." [1]

When the question was about to be put, a division was called for; and, on the question to agree to the first clause of the amendment, the yeas and nays being required by Mr. [William] Carmichael,

New Hampshire,			*Pennsylvania,*		
Mr. Peabody,	no	no	Mr. Armstrong,	ay	
Massachusetts Bay,			Atlee,	ay	ay
Mr. Gerry,	no		Searle,	ay	
Lovell,	no	no	Wynkoop,	ay	
Holten,	no		*Delaware,*		
Rhode Island,			Mr. M'Kean,	ay	ay
Mr. Marchant,	no		*Maryland,*		
Collins,	no	no	Mr. Carmichael,	ay	
Connecticut,			Forbes,	ay	ay
Mr. Huntington,	no		*Virginia,*		
Spencer,	no	no	Mr. Smith,	ay	
New York,			Fleming,	ay	ay
Mr. Jay,	ay		Randolph,	ay	
Duane,	ay	ay	*North Carolina,*		
Lewis,	ay		Mr. Harnett,	ay	
New Jersey,			Hewes,	ay	ay
Mr. Scudder,	ay		Sharpe,	ay	
Fell,	ay	ay	*South Carolina,*		
Houston,	no		Mr. Mathews,	ay	ay

So it was resolved in the affirmative.

Resolved, That the latter clause be postponed.

Adjourned to 10 o'Clock to Morrow.

[1] This amendment, in the writing of Thomas Burke, is in the *Papers of the Continental Congress,* No. 21, folio 145.

THURSDAY, AUGUST 12, 1779

A letter, of 11, from the hon^ble^ S^r^ Gérard, was read, enclosing a letter, of 11 July, from Marquis Bouillé, at Martinique.

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

A letter, of 5th, from General Washington, was read, enclosing an arrangement of the officers in the line of Massachusetts bay troops, as settled by a board of general officers:[1]

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

A letter, of 21 June, from Major General Lincoln, was read.

A petition of Thomas Keaton and others, was read:

Ordered, That it be referred to the Marine Committee, and that they take order thereon.

A letter, of 11, from Charles Pettit, was read.

A resolution of the supreme executive council of Pensylvania [dated August 11] was laid before Congress, and read:[2]

Ordered, That it be referred to the committee on the quarter master and commissary general's departments.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. John Penn, one of the delegates of North Carolina, on his application, for two thousand dollars; for which the said State is to be accountable.

The Marine Committee, to whom was referred the petition of Francis Chevalier de la Nos, Jules Anne le Moine, Chevalier de Neufville, &c. report, that they have examined into the matter complained of in the said memorial, and find the facts therein set forth to be truly stated: Whereupon Congress came to the following resolution:

[1] This letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 469.

[2] Lincoln's letter is in the *Papers of the Continental Congress*, No. 158, folio 259; the resolution of the Pennsylvania Council, in No. 69, II, folio 103.

Whereas Francis Chevalier de la Nos, Jules Anne le Moine, Chevalier de Neufeille, Julien Bouchaud, and Joseph Jacob du Tetre, subjects of his most Christian Majesty, have by due course of law recovered judgment against John Douglass, late commander of the privateer schooner called the *Hunter*, by commission under Congress, for the sum of nine thousand seven hundred and eighty pounds sterling for injuries they had sustained from the said John Douglass, while acting under pretext of his said commission, in seizing and taking the said Francis Chevalier de la Nos, Jules Anne le Moine, Chevalier de Neufeille, Julien Bouchaud, and Joseph Jacob du Tetre, their vessel and cargo; and that since the said judgment was obtained, the said John Douglass hath absconded out of the State of Pensylvania and eluded the said judgment, and prevented redress for the said injuries committed; therefore,

Resolved, That the bond given at the time the said John Douglass obtained his said commission be put in suit, and that his said commission be vacated and made void; and also that the said John Douglass be not admitted to hold any commission under these United States, on board any ship or vessel of war, until such time as he shall surrender himself and abide the said judgment against him, or procure the same to be reversed or set aside by due course of law.

Congress took into consideration the report of the committee on the report of the Board of War, respecting Colonel Knobelauch; Whereupon,

Resolved, That the same be referred to the Board of Treasury, and that they take order thereon.

An account of Captain Joseph Traversee against the United States, was laid before Congress:

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

Mr. [Jesse] Root, a delegate from Connecticut, attended, and took his seat in Congress.

Congress resumed the consideration of the report of the committee on a farther allowance for the officers of the army; and farther amendments being moved:

Ordered, That the report, with the amendments, be referred to a committee of five:

The members chosen, Mr. [Elbridge] Gerry, Mr. [James] Duane, Mr. [Meriwether] Smith, Mr. [Jesse] Root, and Mr. [Thomas] Burke.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, AUGUST 13, 1779

A memorial from Captain [William] de Luce was read, enclosing sundry certificates:

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

A letter, of 24 July, from William Kilty, surgeon's mate to the 5th Maryland regiment, was read.[1]

Congress proceeded to the consideration of foreign affairs, and some time being spent thereon,

> The committee appointed to prepare instructions for the Minister Plenipotentiary of the United States to be appointed for negotiating a peace, brought in a draft which was taken into consideration, and debated by paragraphs, was on Saturday, August 14, 1779, unanimously agreed to as follows:[2]

Adjourned to 10 o'Clock to Morrow.

SATURDAY, AUGUST 14, 1779.

A memorial of John Bancker, was read:[3]

Ordered, That it be referred to the Committee for arranging departments.

On motion of Mr. [Henry] Marchant,

[1] De Luce's memorial is in the *Papers of the Continental Congress*, No. 41, V, folio 220; the Kilty letter, in No. 78, XIII, folio 521.

[2] See page 956, post.

[3] This memorial, dated August 14, is in the *Papers of the Continental Congress*, No. 41, I, folio 188.

Resolved, That a member be appointed for the Committee of Appeals, in the room of Mr. [John] Henry, who is absent:

The member chosen, Mr. [Jesse] Root.

The committee appointed to prepare a letter to the several states, brought in a draught, which was agreed to as follows:

SIR,

Congress have deemed it ~~proper~~ highly necessary to inform you that the enemy ~~determined not to listen to any overtures of Peace,~~ have exerted themselves to send out a very considerable reinforcement to their army now in America. Seven thousand were destined hither from Europe and three thousand from the West Indies. The operations in the place last mentioned may perhaps prevent the arrival of those troops; but there is no solid reason to expect that the European reinforcement will not arrive.

It is ~~necessary~~ proper you should be informed that our allies were much concerned to find that preparations were not earlier made for a vigorous campaign. The exertions of America are necessary to obtain the great objects of the alliance, her liberty, sovereignty and independence. The barbarities already exhibited by the enemy and their avowed determinations to give a still greater scope to their ravages, are additional motives to our endeavors. Congress are fully convinced, therefore, that you will comply with their earnest wishes to prepare for the most immediate and most vigorous operations, particularly by filling up your battalions and having the militia of your State ready to march at the shortest warning. It is highly probable that circumstances may soon call them forth to operate offensively; and it is hoped and expected with such energy and effect as to free these states from their hostile invaders.[1]

The committee, to whom was referred the resolution of the supreme executive council of Pensylvania, brought in a report:

Your Committee to whom was referred the Resolution of the Council of Pennsylvania, of the 11th Instant, Report:

That from the best information they can obtain, there is much more wheat gathered in at the last harvest than can be exported in the vessels belonging to the Continent over and above what may be nec-

[1] This letter, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 24, folio 257.

essary for the subsistence of the Army and Inhabitants. That if any parts of the United States shall have suffered by the Season so as to want provisions, (which your Committee have not been informed of) an Embargo will rather injure than assist them. That the Trade of the United States will derive considerable advantages from the exporting so valuable a staple. That on the other hand if the Enemy should obtain a decided superiority at Sea, they would make prize of many of our vessels, and thence derive considerable advantages; but if such superiority should be obtained, they will be able to supply themselves from elsewhere. Your Committee beg leave further to observe, that the purchase of flour for the army in places remote from the Common Markets, is attended with great and unnecessary expence to the Continent, and that the Farmers and Millers will not probably prepare the grain for Market so readily if the Embargo continues as if it be taken off. Besides which it may prevent the sowing large fields for the ensuing year. Your Committee therefore report that it be recommended to the several States to take off the Embargoes by them respectively laid on or before the first day of October next.[1]

Ordered, That the same be taken into consideration on Tuesday next.

A letter, of 13, from the Board of War, was read; Whereupon,

WAR OFFICE, *August 13, 1779.*

We have been honored with the enclosed letter from the hon^bl^ Council of Pennsylvania which with its enclosures we have the honor of transmitting to Congress. The enclosures Council desire may be sent back when perused; we therefore beg Congress will enable us to do this by sending them to us when read.

We are of opinion from all circumstances that the public stores should be collected so as to be easily guarded, and a body of Militia Stationed at Sunbury for their security and the protection of the inhabitants. Of what number this body should consist we cannot at present determine, did it lie with us to do. But we beg leave to propose that at least two hundred Militia be called into service and

[1] This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 20, II, folio 61. It is endorsed: "Read August 14. To be considered on Tuesday, 17; Debated, August 19; Referred to Mathews, Forbes, Root. Ordered, that the Committee report tomorrow."

Stationed at Sunbury for guarding the public stores and provisions, preserving the communication with Wyoming and escorting the supplies. We should not have thought of so small a number but in a belief that General Sullivan's forward movement will oblige the enemy to collect their force, and thereby draw off their detachments. Yet light parties may be left to harrass the Frontiers and some provision should be made against their ravages. We therefore beg leave to report:

Resolved, That the honorable the supreme executive council of Pensylvania, be requested to call into service 200 of the militia of that State properly officered, to be stationed at Sunbury, on the Susquehanna, for guarding the public stores, keeping open the communication by that river, furnishing escorts for stores and provisions, and protecting the frontiers of the said State against the ravages of the enemy during the present appearances of danger, till the further determination of Congress.[1]

The Board of Treasury report, that they have appointed Joseph Nourse, Esq. a signer of the bills of credit of the United States.

Some time being spent in the consideration of foreign affairs,

Your Committee to whom were referred the Resolutions of Congress upon the letters of Arthur Lee, Esq. and the communications of the Minister of France, with order to prepare instructions thereon, beg leave to Report:

That having weighed and considered the matters to them referred there appears to be four principal points, viz. 1st. the instructions to be given to the Commissioner of peace. 2ly Those to be given to the Commissioners who may be appointed to negotiate a treaty who may be appointed to negotiate a treaty of Commerce with Great Britain. 3ly. Those to be given to the Minister of the United States at the Court of Versailles.

[1] This report is in the *Papers of the Continental Congress*, No. 147, III, folio 571.

And 4^{ly} those to be given to the Minister of the Said States at the Court of Madrid.

Your Committee have prepared the first three sets of instructions agreeably to the materials in their possession, but cannot perform the last until the final determinations of Congress upon that subject, Wherefore they report:

I.

A draft of Instructions to the Commissioner to be appointed to negotiate a treaty of Peace with Great Britain.

SIR:

You will herewith receive a commission giving you full powers to negotiate a treaty of peace with Great Britain, in doing which you will conform to the following Information and Instructions:

1st The United States are sincerely desirous of peace, and wish by every means consistent with their dignity and safety to spare the farther effusion of blood. They have therefore, by your Commission and those instructions, laboured to remove the obstacles to that event before the enemy have evidenced their disposition for it. But as the great object of the present defensive war on the part of the allies is to establish the Independence of the United States, and as any treaty whereby this end cannot be obtained must be only ostensible and illusory, you are therefore to make it a preliminary article to any negotiation that Great Britain shall agree to treat with the United States as Sovereign, free and Independent.

In debating this article, on Friday the 13th, a motion was made by Mr. [Thomas] Burke, seconded by Mr. [Edmund] Randolph, after the words "as sov-"ereign, free and independent," to add, "if an express

"acknowledgment of the said independence shall be "absolutely refused by the king of Great Britain." And on the question to agree to this amendment, the yeas and nays being required by Mr. [Thomas] Burke,

New Hampshire,			*Pennsylvania,*		
Mr. Whipple,	no	no	Mr. Atlee,	no	no
Peabody,	no		Searle,	no	
Massachusetts Bay,			Muhlenberg,	no	
Mr. Gerry,	no	ay	Wynkoop,	no	
Lovell,	ay		*Delaware,*		
Holten,	ay		Mr. M'Kean,	no	no
Rhode Island,			*Maryland,*		
Mr. Marchant,	no	no	Mr. Carmichael,	ay	ay
Collins,	no		Forbes,	ay	
Connecticut,			*Virginia,*		
Mr. Huntington,	no	no	Mr. Smith,	no	no
Spencer,	no		Fleming,	no	
Root,	no		Randolph,	ay	
New York,			*North Carolina,*		
Mr. Jay,	no	no	Mr. Harnett,	ay	ay
Morris,	no		Burke,	ay	
Lewis,	no		Hewes,	ay	
New Jersey,			Sharpe,	ay	
Mr. Scudder,	no	no	*South Carolina,*		
Fell,	no		Mr. Laurens,	no	no
Houston,	ay		Mathews,	no	

So it passed in the negative.

2ly. You shall take especial care also that the Independence of the Said States be effectually assured and confirmed by the Treaty or treaties of peace, according to the form and effect of the Treaty of Alliance with his Most Christian Majesty, and you shall not agree to such treaty or treaties, unless the same be thereby so assured and confirmed.

3ly The ~~clear and indisputable~~ Boundaries of these States ~~and the Territories of Great Britain~~ are as follows, viz. These States are bounded NORTH by a line to be drawn from the Northwest angle of Nova Scotia, along the Highlands which divide those Rivers which empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the Northwesternmost Head of Connecticut River; thence down along the middle of that River to the forty fifth degree of North latitude; thence due west in the latitude of forty five degrees North from the Equator to the North Westernmost side of the River St. Lawrence or Cadaraqui; Thence straight to the South end of Lake Nipissing, and thence Straight to the Source of the River Mississippi; WEST by a line to be drawn along the middle of the River Mississippi from its source to where the said line shall intersect the 31st degree of North Latitude. SOUTH by a line to be drawn due East from the termination of the line last mentioned in the latitude of 31 Degrees north from the Equator, to the middle of the River Appalachicola or Catahouche; thence along the middle thereof to its junction with the Flint River; thence straight to the Head of St Mary's River and thence down along the middle of St Mary's River to the Atlantic Ocean, and EAST by a line to be drawn along the middle of St John's River from its source to its mouth in the Bay of Fundy. Comprehending all Islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due East from the points where the aforesaid Boundaries between Nova Scotia on the one part and East Florida on the other part shall respectively touch the Bay of Fundy and atlantic ocean. You are therefore strongly contend that the whole of the said Coun-

tries and Islands lying within the Boundaries aforesaid, and every citadel, fort, post, place, harbor and Road to them belonging, be absolutely evacuated by the land and sea forces of his Britannic Majesty, and yielded to the powers of the States to which they respectively belong, in such situation as they may be at the termination of the war, ~~and that the same be guaranteed to the United States.~~ But notwithstanding the clear right of these States, and the importance of the object, yet they are so much influenced by the dictates of Religion and Humanity, and so desirous of complying with the earnest requests of their allies, that if the line be drawn from the mouth of Lake Nipissing to the Head of the Mississippi cannot be obtained without continuing the war for that purpose, you are hereby empowered to agree to some other line between that point and the River Mississippi, provided the same shall in no part thereof be to the Southward of ~~the forty sixth~~ latitude 45° North. And in like manner if the Eastern Boundary above described cannot be obtained, you are hereby empowered to agree that the same shall be afterwards adjusted by Commissioners to be duly appointed for that purpose according to such line as shall be by them settled and agreed on as the Boundary between that part of the State of Massachusetts Bay formerly called the Province of Maine and the Colony of Nova Scotia agreeably to their respective rights, and you may also consent that the Enemy shall destroy such fortifications as they may have erected. ~~Neither need you insist upon their guarantee.~~

4ly Although it is of the utmost importance to the peace and Commerce of the United States that Canada and Nova Scotia should be ceded, and more particularly that their equal common right to the Fisheries should

be guarantied to them, yet a desire of terminating the war hath induced us not to make the acquisition of these objects an ultimatum on the present occasion.

5ly You are empowered to agree to a cessation of Hostilities during the negotiation, provided our ally shall consent to the same, and provided it shall be Stipulated that all the forces of the enemy shall be immediately withdrawn from the United States.

6ly In all matters not above mentioned, you are to govern yourselves by the Alliance between his Most Christian Majesty and these States, by the advice of our allies, by your knowledge of our Interests, and by your own discretion, ~~according to Time and Circumstances,~~ in which we repose the fullest confidence.

Congress likewise agreed to the following draft of instructions to the commissioner to be appointed to negotiate a treaty of commerce with Great Britain:

II.

Sir,

You will herewith receive a Commission giving you full power to negotiate a treaty of Commerce with Great Britain; in doing which you will consider yourself bound by the following information and instructions:

1st You will govern yourself principally by the Treaty of Commerce with his Most Christian Majesty, and as on the one hand you shall grant no privilege to Great Britain not granted by that Treaty to France, so on the other you shall not consent to any peculiar restrictions or limitations whatever in favor of Great Britain.

2ly In order that you may be the better able to act with propriety on this occasion, it is necessary for you to know that we have determined 1st That the common right of fishing shall in no case be given up. 2nd That

it is essential to the welfare of all these United States that the Inhabitants thereof at the expiration of the war should continue to enjoy the free and undisturbed exercise of their common right to fish on the Banks of Newfoundland, and the other fishing banks and seas of North America, preserving inviolate the Treaties between France and the Said States. 3ly That application shall be made to his Most Christian Majesty to agree to some article or articles for the better securing to these States a share in the said fisheries. 4ly That if after a treaty of peace with Great Britain she shall molest the Citizens or Inhabitants of any of the United States in taking Fish on the Banks and places herein after described, such molestation, being in our opinion a direct violation and breach of the peace, shall be a common cause of the said States, and the force of the Union be exerted to obtain redress for the parties injured. And 5ly That our faith be pledged to the several States, that without their unanimous consent no treaty of commerce shall be entered into, nor any trade or commerce whatever carried on with Great Britain, without the explicit stipulation herein aftermentioned. You are therefore not to consent to any Treaty of Commerce with Great Britain without an explicit stipulation on her part not to molest or disturb the Inhabitants of the United States of America in taking fish on the Banks of Newfoundland, and other fisheries in the American Seas any where, excepting within the distance of three leagues of the Shores of the Territory remaining to Great Britain at the close of the war, if a nearer distance cannot be obtained by negotiation—and in the negotiation you are to exert your most strenuous endeavors to obtain a nearer distance in the Gulf of St.

Lawrence, and particularly along the shores of Nova Scotia. As to which latter we are desirous, that even the Shores may be occasionally used for the purpose of carrying on the Fisheries by the Inhabitants of these States.

3[ly] In all other matters you are to govern yourself by your own discretion, as shall be most for the Interest of these States, taking care that the said Treaty be founded on principles of equality and reciprocity, so as to conduce to the mutual advantage of both nations, but not to the exclusion of others.

On the question to agree to the above draft of instructions, the yeas and nays being required by Mr. [Nathaniel] Scudder,

New Hampshire,			*Pennsylvania,*		
Mr. Peabody,	no	no	Mr. Muhlenberg,	ay	ay
Massachusetts Bay,			*Maryland,*		
Mr. Lovell,	ay	ay	Mr. Carmichael,	no	no
Holten,	ay		Forbes,	no	
Rhode Island,			*Virginia,*		
Mr. Marchant,	ay	div.	Mr. Smith,	no	no
Collins,	no		Fleming,	no	
Connecticut,			Randolph,	no	
Mr. Spencer,	ay	ay	*North Carolina,*		
Root,	ay		Mr. Penn,	ay	ay
New York,			Harnett,	ay	
Mr. Jay,	ay	ay	Hewes,	ay	
Morris,	ay		*South Carolina,*		
New Jersey,			Mr. Mathews,	no	no
Mr. Scudder,	no	div.			
Houston,	ay				

So it was resolved in the affirmative.

Congress farther agreed to the following draft of instructions to the minister plenipotentiary of the United States at the court of France.

III.

SIR,

Having determined, in order to put a period to the present war conformably to the humane dispositions which sway the Allied Powers, that we would not insist on a direct acknowledgement by Great Britain of our right in the Fisheries, this important matter is liable to an incertitude which may be dangerous to the political and commercial Interests of the United States. We have therefore agreed and resolved that our right should in no case be given up; that we would not form any Treaty of Commerce with Great Britain, nor carry on any trade or Commerce whatsoever with her unless she shall make an express stipulation on that subject, ~~and we have pledged our Faith~~ and that if She shall after a Treaty of peace disturb the Inhabitants of these States in the exercise of it, we will make it a common cause to obtain redress for the parties injured. But notwithstanding these precautions, as Great Britain may again light up the flames of war and use our exercise of the Fisheries as her pretext, and since doubts may arise whether this object is so effectually guarded by the Treaty of Alliance with his Most Christian Majesty that any molestation therein on the part of Great Britain is to be considered as a casus fœderis, you are to endeavor to obtain of his Majesty an explanation on that subject upon the principle that, notwithstanding the high confidence reposed in his wisdom and justice, yet considering the uncertainty of human affairs and how doubts may be afterwards raised in the breasts of his Royal Successors, the great importance of the Fisheries renders the Citizens of these States very solicitous to obtain his Majesty's sense with relation to them as the best security against the

ambition and rapacity of the British Court. For this purpose you shall propose the following article, in which nevertheless such alterations may be made as the circumstances and situation of affairs shall render convenient and proper. Should the same be agreed to and executed you are immediately to transmit a Copy thereof to our Minister at the Court of Spain.

Whereas, by the Treaty of Alliance between the most Christian King, and the United States of North America, the two parties guarantee mutually from that time and forever against all other powers, to wit: The United States to His Most Christian Majesty the possessions then appertaining to the Crown of France in America, as well as those which it might acquire by the future treaty of Peace; and his Most Christian Majesty guarantees on his part to the United States their liberty, Sovereignty and Independence, absolute and unlimited, as well in matters of Government as commerce, and also their possessions and the additions or conquests that their confederation might obtain during the war according to the Said Treaty. And the said parties did further agree and declare that in case of a rupture between France and England the said reciprocal guarantee should have its full force and effect the moment such war should break out—And whereas doubts may hereafter arise how far the said guarantee extends to this case, to wit: that Great Britain should molest or disturb the subjects and Inhabitants of France or of the said States in taking fish on the Banks of Newfoundland, and other the fishing banks and Seas of North America formerly and usually frequented by the said subjects and Inhabitants respectively. And whereas the said King and the United States have thought proper to determine with precision the true intent and meaning of the said guarantee in this

respect, now therefore, as a further demonstration of their mutual good will and affection, it is hereby agreed, concluded and determined as follows, to wit: That if, after the conclusion of the treaty or treaties which shall terminate the present war, Great Britain shall molest or disturb the subjects of the Inhabitants of the said United States in taking fish on the Banks, seas and places formerly used and frequented by them, so as not to encroach on the territorial rights which may remain to her after the termination of the present war as aforesaid, and war should thereupon break out between the said United States and Great Britain; or if Great Britain shall molest or disturb the subjects and Inhabitants of France in taking Fish on the Banks, Seas and places formerly used and frequented by them, so as not to encroach on the territorial rights of Great Britain as aforesaid, and war should thereupon break out between France and Great Britain, ~~or if such war should break out in consequence of any molestation or disturbance by Great Britain to either of the Said Allies with respect to any peculiar right or privilege in the Fisheries formerly secured or which may hereafter be secured to them respectively by the Treaty or Treaties which shall terminate the present war.~~ In either of those cases of war as aforesaid, His Most Christian Majesty and the said United States shall make it a common cause, and aid each other mutually with their good offices their counsels and their forces, according to the exigence of conjunctures as becomes good and faithful allies.[1] Provided always, that nothing herein contained shall be taken or understood as contrary to or inconsistent with the true intent and meaning of the treaties already subsisting between his Most Christian Majesty and the Said States; but the same

[1] The manuscript journal shows that the vote which follows was taken at this point.

shall be taken and understood as explanatory of and conformable to those treaties.

All which nevertheless is most humbly submitted

GOUV[R] MORRIS
Chairman of the Comte.

PHILADELPHIA *12[th] Aug. 1779.*[1]

On debating these instructions by paragraphs, when the question was about to be put to agree to this clause, the yeas and nays being required by Mr. [Meriwether] Smith,

New Hampshire,			
Mr. Peabody,		ay	
Massachusetts Bay,			
Mr. Lovell,	ay		
Holten,	ay	ay	
Rhode Island,			
Mr. Marchant,	ay		
Collins,	ay	ay	
Connecticut,			
Mr. Spencer,	ay		
Root,	ay	ay	
New York,			
Mr. Jay,	ay		
Morris,	ay	ay	
New Jersey,			
Mr. Scudder,	ay		
Houston,	ay	ay	
Pennsylvania,			
Mr. Muhlenberg,		ay	
Maryland,			
Mr. Carmichael,	ay		
Forbes,	ay	ay	
Virginia,			
Mr. Smith,	no		
Fleming,	no	no	
Randolph,	no		
North Carolina,			
Mr. Harnett,		no *	
South Carolina,			
Mr. Mathews,		ay	

So it was resolved in the affirmative.

A motion was made by Mr. [Henry] Marchant, seconded by Mr. [Elbridge] Gerry,

[1] This report and draughts of instructions, in the writing of Gouverneur Morris, are in the *Papers of the Continental Congress*, No. 25, I, folio 147. They were printed, with the votes, in the *Secret Journals, Foreign*, Vol. II, p. 225. They were entered in the Manuscript Secret Journal, Foreign Affairs, folios 116–130. On folio 121, separated from the context, are to be found the motion on Ireland and the vote upon it. The intelligence was contained in a letter from John Adams, of March 26, 1780, which was laid before Congress August 1, 1780, and referred to the Committee on Foreign Affairs. It does not follow that the motion was made or considered on the 13th or 14th, and it was not printed in the edition of the Secret Journals of 1820.

That a committee be appointed to confer with the Minister of France upon the intelligence lately received respecting Ireland.

On which the yeas and nays being required by Mr. [Meriwether] Smith,

New Hampshire,			*Delaware,*		
Mr. Peabody,	ay	ay	Mr. McKean,	no	no
Massachusetts Bay,			*Maryland,*		
Mr. Gerry,	ay	ay	Mr. Carmichael,	ay	div.
Lovell,	ay		Forbes,	no	
Holten,	ay		*Virginia,*		
Rhode Island,			Mr. Smith,	no	no
Mr. Marchant,	ay	ay	Fleming,	no	
Connecticut,			Randolph,	no	
Mr. Spencer,	no	no	*North Carolina,*		
Root,	no		Mr. Penn,	no	no
New York,			Harnett,	no	
Mr. Jay,	ay	div.	Burke,	no	
Morris,	no		Hewes,	no	
New Jersey,			Sharpe,	no	
Mr. Fell,	no	div.	*South Carolina,*		
Houston,	ay		Mr. Mathews,	ay	ay
Pennsylvania,					
Mr. Armstrong,	no	no			
Muhlenberg,	no				

So it passed in the negative.

Adjourned to 10 o'Clock on Monday.

MONDAY, AUGUST 16, 1779

A letter, of 31 July, from the president of New Hampshire, one, of 8 instant, from Major [John] Steward, were read.

A letter, of 5, one, of 6, and one, of 11th instant, from General Washington, were read:[1]

[1] The New Hampshire letter is in the *Papers of the Continental Congress*, No. 64, folio 86; that of Steward, in No. 78, XX, folio 451; the letters of Washington, in No. 152, VII, folios 465 and 483.

Ordered, That the letter, of 11th, be referred to the committee for superintending the departments of the quarter master and commissary general; and that the letter, of 31 July, from Brigadier Parsons, with the affidavits therein inclosed, respecting the cruelties and ravages of the enemy ~~under Sr George Collier and Major General Tryon,~~ in their late incursion into Connecticut, which came inclosed in the letter of the 6th, be referred to the Committee of Intelligence.

A letter, of 6, from Brigadier Parsons, and one of the same date from P. Colt, were read:[1]

Ordered, That they be referred to the Board of Treasury.

A letter, of this day, from J. Nicholson, was read:

Ordered, That it be referred to the Board of Treasury, and that they take order thereon.

A letter, of this day, from Lieutenant Colonel [John] Cropper, and one, of 10th, from Captain [Job] Sumner, were read:[2]

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

A letter, of the 14, from J. Wilkinson, and a letter from A. Clark to the delegates of New Jersey, were read:[3]

Ordered, That they be referred to the Board of War, who are directed to take order thereon.

The Board of Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of the Marine Committee, for three hundred thousand dollars, on their application, for the use of the navy board of the middle district; for which sum the said Marine Committee are to be accountable.

[1] Parsons' letter, of 31 July, is in the *Papers of the Continental Congress*, No. 152, VII, folio 487; the affidavits, on folios 489–495; Parsons' letter, of the 6, in No. 161, folio 339; that of Colt, in No. 78, V, folio 397.

[2] Nicholson's letter is in the *Papers of the Continental Congress*, No. 78, XVII, folio 99; that of Cropper, in No. 78, V, folio 403; and that of Sumner, in No. 78, XX, folio 455.

[3] The Wilkinson letter is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 71; that of Clark, in No. 78, V, folio 401.

That a warrant issue on the treasurer, in favour of Mr. W[illiam] Whipple, and Mr. N[athaniel] Peabody, two of the delegates for the State of New Hampshire, on their application, for eight thousand dollars; for which the said State is to be accountable.[1]

That a warrant issue on the treasurer, in favour of Mr. J[ames] Duane, one of the delegates for the State of New York, on his application, for three thousand seven hundred dollars; for which the said State is to be accountable.[2]

That a warrant issue on the treasurer, in favour of Mr. Abraham Bloodgood, for three hundred and ninety five pounds eighteen shillings and six pence, New York currency, equal to nine hundred and eighty nine dollars and 80/90, reported by John Welles and Edward Chinn, commissioners of accounts at Albany, to be due to him for sundry kinds of grain, forage, &c. taken, consumed and destroyed on his farm at Stillwater, by the Army of the United States, on their retreat from Ticonderoga in July, 1777.[3]

The Board of Treasury having reported "a table of the first year's interest to be paid on monies which have been placed in the several continental loan offices, between the 1 March and the 1st September, 1778, calculated for each day on which the money may have been lent, in pursuance of a resolution of Congress of the 29th of June, 1779:"

On motion of Mr. [Gouverneur] Morris, seconded by Mr. [Samuel] Holten,

Resolved, That the Board of Treasury be directed and empowered to take measures, from time to time, to carry into effect the resolution of Congress, of 29 June last, for regulating the interest payable on the public loans.

[1] This report, dated August 14, is in the *Papers of the Continental Congress*, No. 136, III, folio 541.

[2] This report, dated August 16, is in the *Papers of the Continental Congress*, No. 136, III, folio 545.

[3] This report, dated August 16, is in the *Papers of the Continental Congress*, No. 136, III, folio 549.

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [Samuel] Holten,

Resolved, That "the table of the first year's interest," &c. reported by the Board of Treasury, be re-committed, and that they take order thereon.

A letter, of 12, from the Board of War, was read; Whereupon,

AT A BOARD OF WAR, *August 12, 1779.*

Present, Colonel Pickering and Mr. Peters.

Frequent applications are made, and much uneasiness ensues from a want of regulation, on the subject of arrearages of clothing due the troops; and the valuation of the Articles deficient, as fixed in the resolve of the 6th of September, 1777, is much too low. The Board therefore deem it a piece of justice due the Army that the price to be paid them should be near the real value, especially as it does not comport with the State of our Magazines to deliver the deficiencies in clothing. We beg leave to report the following Resolution, which will ease the minds of the Men and encourage reinlistments, by doing justice where much murmur and complaint have arisen. The Pay Masters are now the regimental clothiers, and the business will be short by going thro' their hands immediately as they know the State of every Man's clothing account. The Commissioner for settling arrearages of clothing due the Army has authority to adjust the Matter for the year 1777, which is the reason it is not included in the term mentioned in the following report. It is better too, to have a permanent plan for payment of deficiencies than to proceed as heretofore upon particular cases. The business will be regularly done and the Soldiers know what they have to depend upon.

Resolved, That the cloathier general estimate the value of the several articles of soldiers' cloathing, at the prices they were respectively worth, at the end of the year 1778, and forthwith transmit such estimates to the pay masters of the several regiments, who shall be furnished out of the military chest with moneys to pay the soldiers for all deficiencies of cloathing, at the estimated prices of every article, as fixed by the cloathier general, who shall henceforward transmit like estimates before the close of every year during the war,

so that the soldiers be paid by the regimental pay master, according to such estimates annually, and previous to their discharge when the same happens before the end of the year, for all articles of cloathing allowed them by the resolution of Congress of the 6th of September, 1777, which they have not received, and which are or shall be due to them after the year last mentioned.[1]

The committee, to whom was referred the report of the committee on a farther allowance to the officers of the army, together with the amendments, brought in a report, which was read, and some time being spent thereon,

Adjourned to 10 o'Clock to Morrow.

TUESDAY, AUGUST 17, 1779

A letter, of 15, from Captain Macpherson, was read:

Ordered, That it be referred to the Marine Committee, who are directed to take order thereon.

A memorial of James Hopkins and a petition of Robert Owen, were read:

Ordered, That they be referred to the Marine Committee.

A memorial from Colonel Harrison, was read:[2]

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

A letter, of 8th, from J. Wadsworth, was read:

Ordered, That it be referred to the committee for superintending the departments of the quarter master general and commissary general of purchases.

Ordered, That two members be added to that committee:

The members chosen, Mr. [Jesse] Root, and Mr. N[athaniel] Scudder.

[1] This report is in the *Papers of the Continental Congress*, No. 147, III, folio 565.

[2] Hopkins's memorial is in the *Papers of the Continental Congress*, No. 41, IV, folio 89; that of Harrison is on folio 87.

A letter, of 26 May, from the honble B. Franklin, Esq. minister plenipotentiary of the United States, at Versailles, was read:[1]

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

The members chosen, Mr. [Henry] Laurens, Mr. [James] Lovell, and Mr. [Meriwether] Smith.

Ordered, That Mr. [John] Penn have leave of absence.

Resolved, That three members be added to the Marine Committee, in the room of members absent, or who have leave of absence:

The members chosen, for Massachusetts Bay, Mr. [Samuel] Holten, in the room of Mr. S[amuel] Adams; for Maryland, Mr. [James] Forbes, *vice* Mr. [John] Henry; and for North Carolina, Mr. [Joseph] Hewes, *vice* Mr. [John] Penn.

A letter, of 9th, from Lieutenant Colonel Fleury, was read.[2]

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Major General Mifflin, late quarter master general, for twenty thousand dollars, to discharge the debts due from that department; for which he is to be accountable.[3]

The committee [commissioners] of accounts report:

That there is due to William Trickett, for stationary supplied the secretary's office, the sum of eight hundred and forty dollars.

That there is due to Robert Campbell, paymaster to the invalid regiment for the pay of the officers and privates of the said regiment, for the month of June last, two thousand one hundred and forty four dollars and 34/90.

[1] This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 186.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, IX, folio 279.

[3] This report, dated August 17, is in the *Papers of the Continental Congress*, No. 136, III, folio 553.

That there is due to Mr. Lotbinier for his pay and subsistance, as chaplain to Colonel Livingston's regiment, from the 10 July, to the 10 August instant, sixty dollars.

Ordered, That the said accounts be paid.

On a report from the Board of War, to whom was referred the memorial of Captain de Luce:

That Captain De Luce has uniformly behaved well since in the service of the United States: but the Board are not ascertained of any extraordinary merit which will bring his case within the exception in the act of Congress on the subject of granting brevets.

We therefore submit the following resolution to Congress.

Resolved, That Congress entertain a very favorable opinion of the merit and services of Captain de Luce, but, in consequence of arrangements lately established, they cannot comply with his request that they would grant him the brevet of major.

Resolved, That the sum of one thousand five hundred dollars be paid to Captain de Luce, to defray the expences of his voyage to France, whither he proposes to return.[1]

Congress proceeded to the consideration of the report "of the committee" on a farther provision for the army; and thereupon came to the following resolutions:

Resolved, That the half pay provided by the Resolution of 15th May, 1778, be extended to continue for life.

That the widows of all such Officers as may die or be killed in the Service, shall be entitled to receive one half of the pay of their Husbands during their Widowhood.

Agreed

That untill the further Order of Congress the said Officers be entitled to receive Monthly for their Subsistence Money the Sums following, to wit; Each Colonel and Brigade Chaplain 500 dollars; every Lieutenant Colonel four hundred Dollars; every Major and Regimental Surgeon three hundred Dollars, every Captain two hundred Dollars, every Lieutenant, Ensign and Surgeon's Mate one hundred Dollars.

Agreed August 18

[1] This report, dated August 16 (present, Pickering and Peters), is in the *Papers of the Continental Congress*, No. 147, III, folio 568.

That untill the further Order of Congress the Sum of ten Dollars be paid to every non commissioned Officer and soldier monthly for their subsistence, in lieu of those articles of food originally intended for them and not furnished.

Agreed August 18

That the Persons above described entitled to receive from any State an Allowance for the consideration aforesaid, shall if thereto required by such State, discharge it from all obligations to make the said allowance or any part thereof; or otherwise be precluded from the Provision now made by Congress, which shall thereupon be credited in the account of said State with the United States; And all Accounts duly authenticated of Advances and supplies heretofore made by any State to any of the Persons aforesaid, may be rendered to the Board of Treasury and charged to the United States; but any future advance or allowance which may be made by any State for the Purposes aforesaid, after due notice hereof, without the Express Approbation of Congress, shall not be repaid.[1]

Set aside by the previous question

Resolved, That the consideration of that part of the report for extending the half pay be postponed.[2]

Whereas the army of the United States of America have, by their patriotism, valor, and perseverance, in the defence of the rights and liberties of their country, become entitled to the gratitude as well as the approbation of their fellow citizens:

[1] This paper, in the writing of Meriwether Smith, is in the *Papers of the Continental Congress*, No. 21, folio 145.

An amendment or motion, also in the writing of Meriwether Smith, on folio 148½, reads as follows:

"That where provision hath been, or shall be made by any of the States for the Persons above described, equal to the half pay for Life, such States if they shall continue the said Provision shall be intitled to the Provision made by Congress in the foregoing Resolution and credited therefore in Acct, provided the persons aforesaid being at Liberty to make their Election, shall relinquish the Provision made by Congress as aforesaid."

On the back of this motion is the following, in the writing of

"and, That all nonCommissioned officers and Soldiers, in the Service of the United States, engaged for three years or during the War, in Case they shall serve the same, or be honorably discharged, shall be entitled to receive half pay, according to the present Establishment during Life."

[2] From this point the entries were made by George Bond.

Resolved, That it be, and it is hereby, recommended to the several states that have not already adopted measures for that purpose, to make such further provision for the officers, and for the soldiers inlisted for the war, to them respectively belonging, who shall continue in service till the establishment of peace, as shall be an adequate compensation for the many dangers, losses, and hardships they have suffered and been exposed to in the course of the present contest, either by granting to their officers half pay for life, and proper rewards to their soldiers; or in such other manner as may appear most expedient to the legislatures of the several states:

On the question to agree to this proposition, the yeas and nays being required by Mr. [Meriwether] Smith,

New Hampshire,			*Pennsylvania*,		
Mr. Whipple,	ay	ay	Mr. Armstrong,	ay	ay
Peabody,	ay		Atlee,	ay	
Massachusetts Bay,			Searle,	ay	
Mr. Gerry,	ay	ay	Muhlenberg,	ay	
Holten,	ay		Wynkoop,	ay	
Rhode Island,			*Maryland*,		
Mr. Marchant,	ay	ay	Mr. Carmichael,	ay	div.
Collins,	ay		Forbes,	no	
Connecticut,			*Virginia*,		
Mr. Huntington,	ay	ay	Mr. Smith,	no	*
Spencer,	ay		Fleming,	no	
Root,	ay		*North Carolina*,		
New York,			Mr. Penn,	no	no
Mr. Lewis,	ay	ay	Harnett,	no	
Morris,	ay		Hewes,	no	
New Jersey,			*South Carolina*,		
Mr. Scudder,	ay	ay	Mr. Laurens,	ay	div.
Houston,	ay		Mathews,	no	

Resolved, That it be, and hereby is, recommended to the several states, to make such provision for the widows of such of their officers, and such of their soldiers inlisted for the war,

as have died or may die in the service, as shall secure to them the sweets of that liberty for the attainment of which their husbands have nobly laid down their lives.[1]

On the question to agree to this proposition, the yeas and nays being required by Mr. [Meriwether] Smith,

New Hampshire,			*Pennsylvania,*		
Mr. Whipple,	ay	ay	Mr. Armstrong,	ay	ay
Peabody,	ay		Atlee,	ay	
Massachusetts Bay,			Searle,	ay	
Mr. Gerry,	ay	ay	Muhlenberg,	ay	
Holten,	ay		Wynkoop,	ay	
Rhode Island,			*Maryland,*		
Mr. Marchant,	ay	ay	Mr. Carmichael,	ay	div.
Collins,	ay		Forbes,	no	
Connecticut,			*Virginia,*		
Mr. Huntington,	ay	ay	Mr. Smith,	no	*
Spencer,	ay		Fleming,	no	
Root,	ay		*North Carolina,*		
New York,			Mr. Penn,	ay	ay
Mr. Morris,	ay	ay	Hewes,	ay	
Lewis,	ay		Sharpe,	ay	
New Jersey,			*South Carolina,*		
Mr. Scudder,	ay	ay	Mr. Laurens,	ay	div.
Houston,	ay		Mathews,	no	

So it was resolved in the affirmative.

Adjourned to 10 oClock to Morrow.

WEDNESDAY, AUGUST 18, 1779[2]

A letter, of this day, from the president of the State of Pensylvania, was read.[3]

Resolved, That a member be added to the Marine Committee for South Carolina, in the room of Mr. [William

[1] These paragraphs, in the writing of John Jay, are in the *Papers of the Continental Congress*, No. 21, folio 149. On the back of the sheet Thomson has recorded the vote.

[2] Thomson resumes the entries.

[3] This letter is in the *Papers of the Continental Congress*, No. 69, II, folio 137.

Henry] Drayton, who desires to be excused from attending: the member chosen, Mr. [John] Mathews.

Congress proceeded to the consideration of the report for a further allowance to the officers of the army; when a motion was made by Mr. Mathews, seconded by Mr. [William] Carmichael,

That the clause in the report for extending the half pay to continue during life, which was postponed, be now taken up and considered.

On which the yeas and nays being required by Mr. [James] Forbes,

New Hampshire,		
Mr. Whipple,	no	no
Peabody,	no	
Massachusetts Bay,		
Mr. Gerry,	no	no
Lovell,	no	
Holten,	no	
Rhode Island,		
Mr. Collins,	no	no
Connecticut,		
Mr. Huntington,	no	no
Spencer,	no	
Root,	no	
New York,		
Mr. Morris,	no	div.
Lewis,	ay	
New Jersey,		
Mr. Scudder,	no	no
Houston,	no	
Pennsylvania,		
Mr. Armstrong,	ay	no
Atlee,	no	
Searle,	no	
Muhlenberg,	ay	
Wynkoop,	no	
Delaware,		
Mr. Dickinson,	no	no
Maryland,		
Mr. Carmichael,	ay	ay
Forbes,	no	
Virginia,		
Mr. Smith,	ay	*
Fleming,	ay	
North Carolina,		
Mr. Harnett,	ay	ay
Hewes,	ay	
South Carolina,		
Mr. Laurens,	no	div.
Mathews,	ay	

So it passed in the negative.[1]

Resolved, That until the further order of Congress, the said officers be entitled to receive monthly for their subsistance money, the sums following, to wit, each colonel and brigade chaplain 500 dollars, every lieutenant colonel 400 dollars, every major and regimental surgeon 300 dollars, every captain 200 dollars, every lieutenant, ensign and surgeon's mate 100 dollars.

Resolved, That until the further order of Congress, the sum of 10 dollars be paid to every non-commissioned officer and soldier monthly for their subsistance, in lieu of those articles of food originally intended for them and not furnished.

Moved by M^r [James] Duane, seconded by M^r [John] Mathews.

Whereas many worthy officers *of the Battalions commonly called the sixteen Regiments*, who have served their Country with fidelity and reputation, have been reduced as supernumerary, *and it is reasonable that provision should be made for such reduced officers without which many of them and their families may be exposed to want and distress, Resolved therefore that all such officers, who have been so reduced as supernumerary shall be entitled to and annually receive the half of the present pay annexed to their Commissions during their natural lives; provided, nevertheless, that every such officer shall be holden to take command in the army upon full pay when required, so as not to impair his former rank.*

And it is farther resolved, that such of the *reduced* officers aforesaid, as shall incline to serve and shall leave their names at the Board of War for that purpose, shall be entitled to any vacancies which may happen in any of the said sixteen continental Regiments, and which they can with propriety fill agreeable to the Regulations of the Army.

Resolved that aids de camp and Brigades Major, who shall continue in office during the war, being unprovided for in the Line, shall also be entitled to half pay for their natural lives according to their respective ranks.

That it be recommended to the several States to provide for aids de camp and Brigade Majors who shall continue in office during the war,

[1] This vote is recorded by Thomson on Meriwether Smith's memorandum, in the *Papers of the Continental Congress*, No. 21, folio 148.

being Inhabitants of the said States, and unprovided for in the line, in the same manner as they may provide for officers of equal rank in their battalions respectively.[1]

Resolved, That the remainder of the report be referred to a committee of five:

The members chosen, Mr. [Elbridge] Gerry, Mr. [John] Mathews, Mr. [James] Forbes, Mr. [Meriwether] Smith and Mr. [Jesse] Root.

Adjourned to 10 oClock to Morrow.

THURSDAY, AUGUST 19, 1779

A letter, of this day, from the president of Pensylvania,

One, of the 5 instant, and one, of 23 July, from J[ohn] Gilbank; and one, of September 12, 1778, from W. Lee, were read.

A letter, of 6, from W. Aylett, was read:

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

A memorial from Silas Deane, was read:[2]

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

The members chosen, Mr. [William Churchill] Houston, Mr. [Henry] Laurens, and Mr. [Meriwether] Smith.

Congress took into consideration the report of the committee on the resolution of the supreme executive council of Pensylvania, respecting the necessity of continuing the embargo; After debate, sundry motions being made,

Ordered, That the report and motions be referred to a committee of three:

[1] This motion, in the writing of James Duane, except the last paragraph, which is in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 21, folio 213. It is endorsed as a report, and was referred to the committee named in the text.

[2] Reed's letter is in the *Papers of the Continental Congress*, No. 69, II, folio 141. The Gilbank letter is in No. 78, X, folio 149; that of W. Lee is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), II, 714; that of Aylett is in No. 78, I, folio 299; and Deane's memorial, dated August 16, is in No. 41, II, folio 443.

The members chosen, Mr. [John] Mathews, Mr. [James] Forbes, and Mr. [Jesse] Root.

Ordered, That the committee report to Morrow.

The committee to whom was referred the letter of July the 6th, from J. Beatty, commissary general of prisoners, [have considered the several acts of Congress which relate to the establishment and duties of the Department under the care of the said commissary general, and have also examined the facts set forth in the said letter; and being of opinion that a further provision in his favour is necessary][1] brought in a report; Whereupon,

Resolved, That the pay and subsistence of a colonel in the line be allowed to the commissary general of prisoners:[2]

Resolved, That he be entitled to draw yearly from the stores of the cloathier general a full suit of cloaths, on the same terms as officers of the line receive the cloathing furnished, pursuant to the resolution of Congress, of November 26, 1777.[3]

Adjourned to 10 oClock to Morrow.

FRIDAY, AUGUST 20, 1779

Mr. George Partridge, a delegate for the State of Massachusetts bay, attended, and produced the credentials of his appointment, which were read, as follows:

STATE OF MASSACHUSETTS BAY
COUNCIL CHAMBER, *June 29, 1779.*

Agreeable to the assignment of this day the General Assembly of the State aforesaid came to the choice of a gentleman to represent

[1] Words in brackets were in the original report.

[2] In the original report this paragraph read: "That besides the Pay and Subsistence of a Colonel, the Commissary General of Prisoners of War, while with the Army, or any Detachment thereof, be allowed 4 Rations per Day, in order to enable him to support such Table Expences as from the Nature and Duties of his office he may be under the Necessity of incurring."

[3] This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 28, folio 53.

this State in Congress, and it appeared upon counting and sorting the votes that the honorable George Partridge, Esquire was unanimously chosen.

True extract from the minutes of the general court.

Attest,

JOHN AVERY, *deputy secretary.*

A letter, of 27 May last, from Lieutenant Colonel Lewis Tousard, at Paris, was read:[1]

A letter from J. Adams, Esq. late one of the commissioners of the United States at the court of Versailles, dated Passy, February 13, 1779; also one, of 3, and one, of 4th August instant, from the same, dated at Braintree, were read:[2]

Ordered, That the letter of 3d, be referred to the Board of Treasury, and that they take order thereon.

The commissioners of accounts report,

That they have examined an account presented to them by John Cox, Esq. the same having been recommitted, and find there is due to him, for fourteen hundred three quarters and fourteen pounds of bar shot, with six hundred two quarters and twenty six pounds of bar iron in the same and nineteen four pound howitzers, the sum of one thousand and forty eight dollars and 8/90.[3]

Ordered, That the said account be paid.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Charles Thomson, Esq. secretary to Congress, on his application, for five thousand dollars; for which he is to be accountable.

That a warrant issue on the treasurer, in favour of John Biddle, Isaac Howell, Peter Thomson, Isaac Snowden and

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XXII, folio 637.

[2] The letters of Adams are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), pp. 44, 276, 278.

[3] This report, dated August 18, is in the *Papers of the Continental Congress*, No. 136 III, folio 565.

Nathaniel Falconer, inspectors of the continental press, on their application, for ten thousand dollars; for which they are to be accountable.

That a warrant issue on the treasurer, in favour of John Biddle, Isaac Howell, Peter Thomson, Isaac Snowden and Nathaniel Falconer, inspectors of the continental press, for five hundred dollars to defray the contingent expences of their department; and for which they are to be accountable.

That a warrant issue on the treasurer, in favour of Major General Greene, quarter master general, on the application of Charles Pettit, Esq. assistant quarter master general, for five million dollars, for the use of his department; for which the said quarter master general is to be accountable.[1]

That a warrant issue on the treasurer, in favour of Robert Troup, for one thousand and fifty five dollars and 2/3 of a dollar, for so much advanced by him to Captain Traversie, employed in the public service by Major General Gates, who is to be furnished with a copy of this order, and charged with the said sum.

Sundry applications being read from the officers of the Board and other officers attending Congress, on the Insufficiency of their pay:

Resolved, That, the several members of the Board and other officers attending Congress be established on salaries to be from time to time encreased or diminished, according to the increase or decrease of the money in circulation after the first of January, 1777.

Resolved, That the accounts of the officers aforesaid to the present time be adjusted by the Auditor General, and that such additional allowances be made to them respectively as the Board of Treasury shall judge expedient.[2]

Ordered, That the remainder of the report relative to the pay of the officers of the boards, and other officers attending

[1] This report, dated August 18, p. m., is in the *Papers of the Continental Congress*, No. 136, III, folio 561.

[2] This report, dated August 17, is in the *Papers of the Continental Congress*, No. 136, III, folio 557. It also contained the paragraph on Rittenhouse, printed p. 984, *post*.

Congress, be postponed till Monday next, and that it be then taken into consideration.

A letter, of 19, from the Board of War, relative to the memorial of Colonel Harrison, was read:[1]

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

The members chosen, Mr. [Samuel] Holten, Mr. [Meriwether] Smith, and Mr. [Samuel] Atlee.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. [Joseph] Spencer, one of the delegates for the State of Connecticut, for two thousand dollars, on his application; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. H[enry] Wynkoop, one of the delegates for the State of Pensylvania, on his application, for twelve hundred dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of James Wilkinson, cloathier general, upon his application and agreeable to his estimate, countersigned by the Board of War, for three hundred thousand dollars, to be applied by the commissaries of hides to the purchase of leather, shoes, &c. for the army; the said James Wilkinson to be accountable.

That a warrant issue on the treasurer, in favour of the Board of War, on their application, for twenty thousand dollars, to be applied by William Henry, Esq. of Lancaster, to the repair of arms and purchasing accoutrements for the army; the said Board of War to be accountable.

That a warrant issue on the treasurer, in favour of Thomas Edison and George Bond, assistants in the Secretary's office, and John Nicholson, an assistant in the chamber of accounts, for two thousand dollars each; the said assistants, respectively, to be accountable.[2]

[1] This letter is in the *Papers of the Continental Congress*, No. 147, III, folio 575.

[2] This report, dated August 20, is in the *Papers of the Continental Congress*, No. 136, III, folio 567.

The commissioners of accounts report, that they have examined an account presented to them by Gifford Dally, for a public entertainment, the 5 July last, and find that there is due to him the sum of six thousand six hundred and sixty six dollars and 60/90.

That there is due to William Kinnan, copper plate printer to the United States, his salary and board, from the 8th June, until 29 July, inclusive, four hundred and fifty five dollars.[1]

That a warrant issue on the treasurer, in favour of David Rittenhouse, Esq. for seven thousand five hundred and fifty seven dollars and 45/90, in full compensation for his trouble and expences in repairing sundry forms for printing the bills of credit of these United States, and making the two last forms for printing in black and red the bills of the late emissions.[2]

The committee, to whom was referred the report of the committee on the resolution of the supreme executive council of Pensylvania respecting an embargo, brought in a report, which was read:

Ordered, That it be re-committed.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, AUGUST 21, 1779.

A letter, of this day, from the hon[ble] Sieur Gérard, minister plenipotentiary of France, was read.

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [Henry] Laurens,

Resolved, That the request of the Minister of France be complied with; that his letter be referred to the committee for superintending the departments of the quarter master

[1] This report, dated August 20, is in the *Papers of the Continental Congress*, No. 136, III, folio 571.

[2] See note on p. 982, *ante*.

and commissary general; and that the committee be directed to take the necessary measures for this purpose, and inform Congress thereof.

A petition of Robert Martin was read.[1]

The committee to whom was referred the report of the Board of War on the letter from Major General Phillips, report as their opinion, that as the imprisonment of Lieutenant Governor Hamilton was the act of the executive power of the State of Virginia, to whom it properly belonged to decide on the treatment suitable to his conduct: and as the American prisoners of war in New York have been hitherto denied the liberty of communicating to any public body within the United States the severities exercised upon them, Congress ought not to indulge Major General Phillips with forwarding his letters and papers respecting the said Hamilton:

Resolved, that Congress ought to advise General Washington, to whom the board of war have referred the application for two other British officers to go to Canada expressly to dissent from the proposal, favors being then only asked with propriety by an Enemy when he himself has first shewn a disposition to depart from a rigid exaction of the rights of war, or at least has not offended against the mild usages, adopted by civilized nations to soften the horrows of such state.

Resolved therefore that the President be requested to inform Major General Philips that Congress cannot gratify him, and to desire General Washington to refuse his assent to the officers to go into Canada.[2]

Amended

Resolved, That Congress agree to the report of the committee.

Resolved, That the President signify to General Washington the sense of Congress, that he refuse his assent to the request

[1] This petition, dated August 19, is in the *Papers of the Continental Congress*, No. 42, V, folio 106.

[2] This report, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress*, No. 57, folio 361.

of Major General Philips, that two officers of the convention troops be allowed to go into Canada.

Resolved, That the Board of War be directed to signify to the officer commanding the guard of the convention troops, that he do not hereafter suffer any of the officers of those troops to remove from the place or places assigned for their residence in Virginia, without permission first obtained from the Board or the Commander in Chief.

A petition of Captain William Mackey was read:[1]

Ordered, That it be referred to the Board of Treasury, who are directed to take order thereon.

The committee to whom was re-committed their report on the resolution of the supreme executive council of Pennsylvania, relative to an embargo, brought in a report, which was read; Whereupon, Congress came to the following resolution:

Resolved, That it be recommended to such of the states as have embargoes existing within them, respectively to continue such embargoes until the first day of January next, and if such embargoes do not comprehend the whole of the following articles, viz. wheat, flour, rye, Indian corn, rice, bread, beef, pork, bacon and live stock, to extend their embargoes respectively to the aforesaid articles, and also to all other kind of provisions not herein enumerated; and to such other of the states as have not embargoes in existence, to take the most effectual and immediate measures to lay on embargoes for the purposes before mentioned.

Resolved, That it be earnestly recommended to the several States to repeal all laws or other restrictions laid on the inland trade between the said states.

Provided always, that nothing herein contained shall be construed to extend to prevent the taking on board any provisions that shall be deemed necessary for the stores only of any ships or vessels of war, or others trading to and from these states.[2]

[1] This petition is in the *Papers of the Continental Congress*, No. 42, V, folio 159.

[2] This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 24, folio 9.

When the question was about to be put on the first part of the resolution, as far as "enumerated," inclusive, the previous question was moved by Mr. [John] Armstrong, seconded by Mr. [William] Sharpe, that the question be not now put.

On which the yeas and nays being required by Mr. [John] Armstrong,

New Hampshire,			*Pennsylvania,*		
Mr. Whipple,	no	no	Mr. Armstrong,	ay	ay
Massachusetts Bay,			Shippen,	ay	
Mr. Gerry,	no		*Maryland,*		
Holten,	no	no	Mr. Carmichael,	ay	div.
Partridge,	no		Forbes,	no	
Rhode Island,			*Virginia,*		
Mr. Marchant,	no	no	Mr. Smith,	no	*
Connecticut,			Fleming,	no	
Mr. Huntington	no		*North Carolina,*		
Spencer,	no	no	Mr. Harnett,	no	div.
Root,	no		Sharpe,	ay	
New Jersey,			*South Carolina,*		
Mr. Scudder,	ay	ay	Mr. Laurens,	no	no
Houston,	ay		Mathews,	no	

So it passed in the negative, and the main question was thereupon put, and resolved in the affirmative.

An adjournment being called for, the remainder of the report was postponed.

Adjourned to 10 oClock on Monday.[1]

MONDAY, AUGUST 23, 1779

A letter, of the 20th, from Lord Stirling, was read:

Ordered, That it be referred to the Committee of Intelligence.

A letter, of the 20th, from President Rodney of the State of Delaware, was read.[2]

[1] At this point the entries are by George Bond.

[2] The Stirling letter is in the *Papers of the Continental Congress,* No. 162, folio 563; that of Rodney, in No. 70, folio 705.

A letter, of the 15th, from Major General Sullivan, was read:

Ordered, That the same be referred to the Committee of Intelligence.

A letter, of the 16th, from General Washington, was read, with two letters enclosed; one from Major General Howe, dated Camp at Keelers hill, Lower Salem, August 6, 1779; and the other from Captain Hopkins, dated, Crompond, July 30th, 1779:[1]

Ordered, That the letter from General Washington be referred to the Board of War, and that the letter from Major General Howe, and the one from Captain Hopkins be referred to the Committee of Intelligence.

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [Gouverneur] Morris,

Resolved, unanimously, That a committee, consisting of one member from each State, be appointed to congratulate the Minister of France on the anniversary of the birth of his most Christian Majesty, and to assure him that the pleasure which we feel, on this occasion, can be estimated by those only who have a just sense of the extensive blessings which many nations have already derived from his wisdom, justice, and magnanimity, and of the prospect of general happiness to mankind through the influence of his Majesty's virtuous exertions and glorious example:

The members chosen, Mr. [Nathaniel] Scudder, Mr. [William] Whipple, Mr. [Henry] Marchant, Mr. [Elbridge] Gerry, Mr. [Gouverneur] Morris, Mr. [John] Armstrong, Mr. [William] Paca, Mr. [Meriwether] Smith, Mr. [Henry] Laurens, Mr. [Cornelius] Harnett, Mr. [John] Dickinson and Mr. [Samuel] Huntington.

[1] Sullivan's letter is in the *Papers of the Continental Congress*, No. 160, folio 298; that of Washington, in No. 152, VII, folio 585.

A letter, of the 15th, from General Washington, was read, with sundry papers enclosed, marked from No. 1 to 8, relative to the Western expedition:[1]

Ordered, That the letter with the papers enclosed be referred to a committee of five:

The members chosen, Mr. [Samuel] Atlee, Mr. [John] Armstrong, Mr. [Joseph] Spencer, Mr. [John] Dickinson, and Mr. [John] Mathews.

A letter, of the 10th, from Brigadier Wayne, was read:[2]

Ordered, That the same be referred to the Committee of Intelligence.

On motion of Mr. [Meriwether] Smith, seconded by Mr. [James] Lovell,

Ordered, That Major Noirmont de Laneuville be allowed the pay and subsistance of a major while he shall continue a volunteer with the army.

A letter, of the 17th, from General Washington, was read:[3]

Ordered, That so much of the letter as respects an advance of money to Baron Steuben, be referred to the Board of Treasury; and that so much thereof as respects the corps of sappers and miners, be referred to the Board of War.

A letter from A. Lee, Esq. dated Paris, 21st May, was read:[4]

Mr. [Nathaniel] Scudder reported, that the committee appointed to congratulate the Minister of France on the anniversary of the birth of his most Christian Majesty, had obeyed the order of the House, and delivered to the Minister

[1] This letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 573.

[2] This letter is in the *Papers of the Continental Congress*, No. 161, folio 221.

[3] This letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 589.

[4] This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 171.

a copy of the resolution of Congress, to which they received the following answer, viz.

Réponse faite au comité du Congrès, par le Ministre plénipotentiare de France.

Messieurs: La manière dont le Congrès veut bien exprimer ses sentimens à l'occasion de l'anniversaire de la naissance du Roi mon Maître, caracterise son amitié et ses égards pour sa Majesté. Vos expressions sont véritablement dignes d'un allié fidèle et sensible, et j'ose vous assurer Messieurs, que le compte que j'en rendrai à sa Majesté lui sera infiniment agréable.

GÉRARD.

À PHILADELPHIE, *le 23d Août, 1779.*

Gentlemen: The manner in which Congress have been pleased to express their sentiments on the anniversary of the King, my Master's nativity, characterizes their friendship and regard for his Majesty. Your expressions are truly becoming a faithful and affectionate ally, and I dare assure you, gentlemen, that the account I shall render to his Majesty will be infinitely agreeable to him.

GÉRARD.

Adjourned to 10 oClock to Morrow.

TUESDAY, AUGUST 24, 1779.

A letter, of this day, from J. Connolly, was read:

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

A letter, of July 22d, from Major General Lincoln, was read:

Ordered, That so much thereof as respects the appointment of a deputy commissary general of purchases for South Carolina, be referred to the committee for superintending the quarter master and commissary's departments.

A letter, of July 10, from William Glascock, president of Georgia, was read:[1]

[1] Connolly's letter is in the *Papers of the Continental Congress*, No. 78, V, folio 407; that of Glascock, in No. 73, folio 240.

On motion of Mr. [John] Mathews, seconded by Mr. [Henry] Laurens,

Resolved, unanimously, That the executive council of Georgia be assured of the determination of Congress to give them all possible support: and that 500,000 dollars be transmitted without delay, for the use of that State, to the executive authority thereof; for which the said State is to be accountable.[1]

A letter, of 15th July, from the Governor of South Carolina, and one, of the 16th of July from D[avid] Oliphant, Esq. director general &c. in the State of South Carolina, with a copy of his commission inclosed, were read:[2]

Ordered, That it be referred to the Medical Committee, and that they report with all convenient speed.

A representation from the delegates of Virginia was read:

The Delegates from the State of Virginia represent to Congress, that application is made to them by the Board of Trade in that State, to procure on account of the State, a Sum of Continental Money, to be paid into the Hands of John Moss, Esquire, Agent for the said State in the City of Philadelphia, for the purpose of purchasing supplies of Cloathing and other necessaries for the immediate use of the Troops of that State in the Continental Army; and that it is proposed by the said Board of Trade to repay the Money, by answering the Bills or orders of the Treasury for the amount of the Sum borrowed, payable in the said State, or otherwise as Congress may direct: Wherefore the said Delegates request that a warrant issue on the Treasurer for the Sum of four hundred thousand Dollars, in favor of John Moss, esquire, Agent as aforesaid; the said State to be accountable:

Resolved, the Board of Treasury report a Warrant agreeably to the foregoing Request.[3]

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

[1] This motion, in the writing of John Jay, is in the *Papers of the Continental Congress*, No. 36, IV, folio 121.

[2] The South Carolina letter is in the *Papers of the Continental Congress*, No. 72, folio 510; that of Oliphant, on folio 518; the commission on folio 514.

[3] This representation, in the writing of Meriwether Smith, is in the *Papers of the Continental Congress*, No. 71, I, folio 269.

A letter, of August 5th, from Thomas Chittenden, and one of the 20th, from Jonas Fay and Paul Spooner, with two papers enclosed, were read.

On motion of Mr. [Thomas] M'Kean, seconded by Mr. [Samuel] Holten,

Resolved, That copies of the following papers be delivered to Jonas Fay and Paul Spooner, as private persons, viz.[1]

1. Proceedings of Congress on the petition from the representatives of the New Hampshire grants, dated January 17, 1776, and read 8th May following:

2. Report on Joseph Woodward's letter, dated 17 January, 1776, and read 30 May following:

3. Proceedings of Congress on the extracts of the proceedings of the convention of New Hampshire grants, 24 July and 25 September, 1776:

4. A letter from Pierre Van Cortlandt, president of New York, to Congress, dated May 27, 1777, and proceedings of Congress thereon:[2]

5. Governor Clinton's letter of May 8, 1778, and read 18 September following, and the resolution thereon:

6. Governor Clinton's letters of 27 May and 29, with three papers enclosed, and of 7 June, 1779, and resolves of Congress:

7. The several papers relating to the trial of Hilkiah Trout, dated February 18, 1779.

Adjourned to 10 oClock to Morrow.

WEDNESDAY, AUGUST 25, 1779

A letter, of 24, from the president of Pensylvania, was read:

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

A letter, of 8, from Major General Phillips, was read, with sundry papers enclosed:

[1] Here Thomson resumed the entries.

[2] Chittenden's letter is in the *Papers of the Continental Congress*, No. 41, I, folio 247; that of Fay, on folio 253; Van Cortlandt's, on folio 259.

Ordered, That the same be transmitted to the Commander in Chief, and that he take order thereon.

A letter, of July 16, from J. M. Varnum, Ephraim Bowen and Nicholas Brown, directed to the delegates of Rhode Island, was laid before Congress and read, together with a vote of the town of Providence, enclosed:[1]

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

Ordered, That Mr. G[ouverneur] Morris have leave of absence.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Charles Morse, one of the clerks in the secretary's office, for five hundred dollars, on his application; for which sum he is to be accountable.

Ordered, That a warrant issue on the treasurer, in favour of Joseph Nourse, assistant auditor general, on his application, for fifteen hundred dollars; for which he is to be accountable.

Ordered, That a warrant issue on the treasurer, in favour of John Levinus Clarkson, clerk to the Board of Treasury, for one thousand dollars, on his application; for which sum he is to be accountable.[2]

The Marine Committee, to whom was referred the memorial of James Hopkins, brought in a report; Whereupon,

Resolved, That if James Hopkins, at his own risk and expense, shall raise and weigh any or all of the seven vessels sunk in the Delaware, as mentioned in his memorial, on or before the first day of December next, he be entitled to have and enjoy all the right and interest which the United States

[1] Reed's letter is in the *Papers of the Continental Congress,* No. 69, II, folio 145; that of Phillips, in No. 57, folio 415; that of Varnum, in No. 78, XXIII, folio 169; the vote of Providence is on folio 173.

[2] This report, dated August 21, is in the *Papers of the Continental Congress,* No. 136, III, folio 573.

have or might claim in the said vessels and their cargoes sunk as aforesaid.

Congress resumed the consideration of the report of the committee relative to an embargo; and,

A motion was made by Mr. [Gouverneur] Morris, seconded by Mr. [Thomas] McKean, to postpone the farther consideration of the said report; on which the yeas and nays being required by Mr. [Meriwether] Smith,

New Hampshire,		
Mr. Whipple,	ay	div.
Peabody,	no	
Massachusetts Bay,		
Mr. Holten,	no	no
Partridge,	no	
Rhode Island,		
Mr. Marchant,	no	no
Connecticut,		
Mr. Huntington,	no	no
Root,	no	
New York,		
Mr. Jay,	ay	ay
Morris,	ay	
New Jersey,		
Mr. Witherspoon,	no	div.
Scudder,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Shippen,	no	
Atlee,	ay	
Muhlenberg,	ay	
Wynkoop,	ay	
Delaware,		
Mr. Dickinson,	ay	ay
McKean,	ay	
Maryland,		
Mr. Paca,	ay	ay
Carmichael,	ay	
Forbes,	no	
Virginia,		
Mr. Smith,	no	no
Griffin,	no	
Fleming,	no	
North Carolina,		
Mr. Harnett,	no	no
Hewes,	no	
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	no	no
Mathews,	no	

So it passed in the negative.

The next resolution in the report being amended, when the question was about to be put, the previous question was moved by Mr. [Gouverneur] Morris, seconded by Mr. [Nathaniel] Scudder;

On which the yeas and nays being required by Mr. [Meriwether] Smith,

New Hampshire,			*Delaware,*		
Mr. Peabody,	no	no	Mr. Dickinson,	ay	ay
Massachusetts Bay,			M'Kean,	ay	
Mr. Holten,	ay	ay	*Maryland,*		
Partridge,	ay		Mr. Paca,	ay	ay
Rhode Island,			Carmichael,	ay	
Mr. Marchant,	no	no	Forbes,	no	
Connecticut,			*Virginia,*		
Mr. Huntington,	no	no	Mr. Smith,	no	no
Root,	no		Griffin,	no	
New York,			Fleming,	no	
Mr. Jay,	no	div.	*North Carolina,*		
Morris,	ay		Mr. Harnett,	no	no
New Jersey,			Hewes,	no	
Mr. Witherspoon,	no	div.	Sharpe,	no	
Scudder,	ay		*South Carolina,*		
Pennsylvania,			Mr. Laurens,	ay	div.
Mr. Armstrong,	ay	ay	Mathews,	no	
Shippen,	ay				
Atlee,	ay				
Muhlenberg,	ay				
Wynkoop,	ay				

So it passed in the negative; and thereupon the main question was put.

On which the yeas and nays being required by Mr. [Nathaniel] Scudder,

New Hampshire,			*New York,*		
Mr. Peabody,	ay	ay	Mr. Jay,	ay	ay
Massachusetts Bay,			Morris,	ay	
Mr. Holten,	no	no	*New Jersey,*		
Partridge,	no		Mr. Witherspoon,	ay	div.
Rhode Island,			Scudder,	no	
Mr. Marchant,	ay	ay			
Connecticut,					
Mr. Huntington,	ay	ay			
Root,	ay				

Pennsylvania,			*Virginia,*		
Mr. Armstrong,	no		Mr. Smith,	ay	
Shippen,	ay		Griffin,	ay	ay
Atlee,	no	no	Fleming,	ay	
Muhlenberg,	no		*North Carolina,*		
Wynkoop,	no		Mr. Harnett,	ay	
Delaware,			Hewes,	ay	ay
Mr. Dickinson,	no		Sharpe,	ay	
M'Kean,	no	no	*South Carolina,*		
Maryland,			Mr. Laurens,	no	
Mr. Paca,	no		Mathews,	ay	div.
Carmichael,	no	no			
Forbes,	ay				

So it was resolved, that it be earnestly recommended to the several states to take off every restriction on the inland trade between the said states.

A motion was then made by Mr. [Thomas] M'Kean, seconded by Mr. [Gouverneur] Morris, to reconsider the resolution of Congress passed on Saturday last, recommending to the several states the continuing or laying embargoes to the 1st. January next.

After debate thereon,

Adjourned to 10 oClock to Morrow.

THURSDAY, AUGUST 26, 1779

The President laid before Congress a card from Major General Phillips, accompanied with two packets from him to General Clinton relative to the settlement of accounts of the convention troops:

Ordered, That the same be referred to the Board of Treasury, and that they take order thereon.

The Committee on the Treasury, to whom were referred the reports of the Board of War and committee of Congress, respecting Colonel Knoblauch, together with his memorials

and papers, report, that Colonel Knoblauch is not possessed of vouchers to shew any contract with the commissioners of these states in Europe, to induce him to come to America; but, as the Committee entertain a high sense of his merit as an officer, and his zeal to serve these states, they submit to Congress the granting him a sum to defray his expences in coming to America, and to enable him to return to Europe; Whereupon,

Ordered, That a warrant issue on the treasurer in favor of Colonel Knoblauch, for five thousand dollars, in order to defray his expences in coming to America, and to enable him to return to Europe.

The Committee on the Treasury, to whom was referred an application from the delegates of Virginia for a loan of continental money, brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of John Morse, Esq. agent for the State of Virginia, for four hundred thousand dollars, for the purpose of purchasing supplies of cloathing and other necessaries for the immediate use of the Virginia troops in the continental army, for which the said State is to be accountable, with interest, agreeable to the application of the delegates of the said State.

Ordered, That a warrant issue on the treasurer, in favour of Mr. [John] Witherspoon, one of the delegates for the State of New Jersey, on his application, for two thousand dollars; for which the said State is to be accountable.[1]

The Committee on the Treasury, in obedience to the order of Congress to report a reasonable allowance for the time and expences of Silas Deane, Esq. from the expiration of three months after the notice of his recall from Europe, finding the said three months to expire on the 4th of June, 1778, report,

That a warrant issue on the treasurer in favor of Silas

[1] This report, dated August 25, is in the *Papers of the Continental Congress*, No. 136, III, folio 581.

Deane, Esq. late commissioner of the United States at the court of France, for ten thousand dollars, in full consideration of his time and expences during his attendance on Congress, from the 4th of June, 1778, until the 6th day of August instant:[1]

A motion was made by Mr. [John] Dickinson, seconded by Mr. [Cyrus] Griffin, to strike out "ten thousand:"

On the question, shall the words moved to be struck out stand, the yeas and nays being required by Mr. [Henry] Marchant,

New Hampshire,			*Delaware,*		
Mr. Peabody,	no	no	Mr. Dickinson,	no	div.
Massachusetts Bay,			M'Kean,	ay	
Mr. Lovell,	ay		*Maryland,*		
Holten,	ay	ay	Mr. Paca,	ay	ay
Partridge,	ay		Forbes,	ay	
Rhode Island,			*Virginia,*		
Mr. Marchant,	ay	ay	Mr. Smith,	ay	
Connecticut,			Griffin,	no	no
Mr. Huntington,	ay		Fleming,	no	
Root,	no	no	*North Carolina,*		
Spencer,	no		Mr. Harnett,	no	
New York,			Hewes,	no	no
Mr. Jay,	no	div.	Sharpe,	ay	
Lewis,	ay		*South Carolina,*		
New Jersey,			Mr. Laurens,	no	div.
Mr. Scudder,	ay	*	Mathews,	ay	
Pennsylvania,					
Mr. Armstrong	ay				
Shippen,	ay				
Atlee,	ay	ay			
Searle,	ay				
Wynkoop,	ay				

So the states being equally divided, the words were struck out.

[1] This report, dated August 25, is in the *Papers of the Continental Congress*, No. 136, III, folio 585.

A motion was then made by Mr. [Joseph] Spencer, seconded by Mr. [John] Dickinson, to fill the blank with "fifteen thousand."

On which the yeas and nays being required by Mr. [Henry] Laurens,

New Hampshire,		
Mr. Peabody,	no	no
Massachusetts Bay,		
Mr. Lovell,	no	no
Holten,	no	
Partridge,	no	
Rhode Island,		
Mr. Marchant,	no	no
Connecticut,		
Mr. Huntington,	no	ay
Root,	ay	
Spencer,	ay	
New York,		
Mr. Jay,	no	no
Lewis,	no	
New Jersey,		
Mr. Scudder,	no	*
Pennsylvania,		
Mr. Shippen,	no	no
Atlee,	no	
Searle,	no	
Wynkoop,	no	
Delaware,		
Mr. Dickinson,	ay	div.
M'Kean,	no	
Maryland,		
Mr. Paca,	no	no
Forbes,	no	
Virginia,		
Mr. Smith,	no	ay
Griffin,	ay	
Fleming,	ay	
North Carolina,		
Mr. Harnett,	ay	ay
Hewes,	ay	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	no	no
Mathews,	no	

So it passed in the negative.

A motion was then made by Mr. [Meriwether] Smith, seconded by Mr. [James] Searle, to fill the blank with "twelve thousand:"

On which the yeas and nays being required by Mr. [Nathaniel] Peabody,

New Hampshire,			
Mr. Whipple,	no	no	
Peabody,	no		
Massachusetts Bay,			
Mr. Lovell,	no	no	
Holten,	no		
Partridge,	no		
Rhode Island,			
Mr. Marchant,	no	no	
Connecticut,			
Mr. Huntington,	no	ay	
Root,	ay		
Spencer,	ay		
New York,			
Mr. Jay,	no	no	
Lewis,	no		
New Jersey,			
Mr. Scudder,	no	*	
Pennsylvania,			
Mr. Shippen,	no	div.	
Atlee,	no		
Searle,	ay		
Wynkoop,	ay		
Delaware,			
Mr. Dickinson,	ay	ay	
M'Kean,	ay		
Maryland,			
Mr. Paca,	ay	no	
Carmichael,	no		
Forbes,	no		
Virginia,			
Mr. Smith,	ay	ay	
Griffin,	ay		
Fleming,	ay		
North Carolina,			
Mr. Harnett,	ay	ay	
Hewes,	ay		
Sharpe,	no		
South Carolina,			
Mr. Laurens,	no	no	
Mathews,	no		

So it passed in the negative.

A motion was then made by Mr. [Meriwether] Smith, seconded by Mr. [William] Sharpe, to fill the blank with "ten thousand five hundred."

On which the yeas and nays being required by Mr. [Nathaniel] Scudder,

New Hampshire,			
Mr. Whipple,	no	no	
Peabody,	no		
Massachusetts Bay,			
Mr. Lovell,	ay	ay	
Holten,	ay		
Partridge,	no		
Rhode Island,			
Mr. Marchant,	ay	ay	
Connecticut,			
Mr. Huntington,	no	ay	
Root,	ay		
Spencer,	ay		
New York,			
Mr. Jay,	no	no	
Lewis,	no		
New Jersey,			
Mr. Scudder,	ay	*	

Pennsylvania,			*Virginia,*		
Mr. Atlee,	no	div.	Mr. Smith,	ay	
Searle,	ay		Fleming,	ay	ay
Delaware,			Griffin,	ay	
Mr. Dickinson,	ay		*North Carolina,*		
M'Kean,	ay	ay	Mr. Harnett,	ay	
Maryland,			Hewes,	ay	ay
Mr. Paca,	ay		Sharpe,	ay	
Carmichael,	no	no	*South Carolina,*		
Forbes,	no		Mr. Laurens,	no	div.
			Mathews,	ay	

So it was resolved in the affirmative.

On the question to agree to the resolution as amended, the yeas and nays being required by Mr. [Henry] Laurens,

New Hampshire,			*Delaware,*		
Mr. Peabody,	no	no	Mr. Dickinson,	ay	
Massachusetts Bay,			M'Kean,	ay	ay
Mr. Lovell,	ay		*Maryland,*		
Holten,	ay	ay	Mr. Paca,	ay	
Partridge,	no		Carmichael,	no	ay
Rhode Island,			Forbes,	ay	
Mr. Marchant,	ay	ay	*Virginia,*		
Connecticut,			Mr. Smith,	ay	
Mr. Huntington,	no		Griffin,	ay	ay
Root,	ay	ay	Fleming,	no	
Spencer,	ay		*North Carolina,*		
New York,			Mr. Harnett,	ay	
Mr. Jay,	no	*	Hewes,	ay	ay
New Jersey,			Sharpe,	ay	
Mr. Scudder,	ay	*	*South Carolina,*		
Pennsylvania,			Mr. Laurens,	no	div
Mr. Atlee,	no	div.	Mathews,	ay	
Searle,	ay				

So it was resolved in the affirmative.

The committee, to whom was referred the petition of Hezekiah Stokes, pay master of the 8th Virginia regiment, of the 8 August, 1778, brought in a report; Whereupon,

Ordered, That the petition be filed in the secretary's office until the petitioner shall appear to support the same.

A letter, of this day, from J. Gibson, auditor general, was read; [1] Whereupon,

Ordered, That to morrow be assigned for considering farther the affairs of the treasury.

On motion of Mr. [Thomas] McKean, seconded by Mr. [John] Dickinson,

Resolved, That a committee of three be appointed to report a plan for establishing one or more supreme courts of appeal in all maritime causes within these United States:

The members chosen, Mr. [Samuel] Huntington, Mr. [William] Paca, and Mr. [John] Dickinson.

Resolved, That three members be added to the committee appointed to superintend the printing the journal:

The members chosen, Mr. [William Churchill] Houston, Mr. [Nathaniel] Peabody, and Mr. [George] Partridge.

Resolved, That three members be added to the committee on Mr. Bingham's letters:

The members chosen, Mr. [William] Paca, Mr. [Jesse] Root, and Mr. [Samuel] Huntington.

Resolved, That one member be added to the committee for ascertaining the power of consuls in foreign ports:

The member chosen, Mr. [Thomas] McKean.

On motion of Mr. [Henry] Laurens, seconded by Mr. [Meriwether] Smith,

Ordered, That the Board of Treasury be directed to lay before Congress, on or before the 10th day of September next, an account of the whole amount of money received on loan at the several loan offices in the United States, to the 28th of February, 1778, inclusive; also of the amount received from the 1st of March, 1778, to the said 10th of September, so far as returns shall have been made to that day, and that in each

[1] This letter is in the *Papers of the Continental Congress*, No. 78, X, folio 163.

case the amount received on loan at each office be distinguished:[1]

That the Board of Treasury do likewise lay before Congress a true account of the whole amount of money issued, and to be issued, by virtue of resolves of Congress already passed or which shall pass before the said 10th September next, distinguishing the dates and amounts of each emission.[1]

Adjourned to 10 oClock to Morrow.[2]

FRIDAY, AUGUST 27, 1779

A letter, of 23, from General Washington, was read, enclosing Major Lee's report of the surprize and capture of the garrison at Pawles Hook:[3]

Ordered, That the same be referred to the Committee of Intelligence.

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

The members chosen, Mr. [William] Paca, Mr. [Samuel] Atlee, and Mr. [John] Dickinson.

A letter, of 9 July, from Major General Lincoln, was read:

Ordered, That the same be referred to the committee appointed to correspond with Major General Lincoln, and also to the Committee of Intelligence.

A petition of James Meek, was read:

Ordered, That it be referred to the Board of War, and that they take order thereon.

A petition of Eleazer Levy was read.[4]

[1] These two paragraphs are in the writing of George Bond. The returns made are in the *Papers of the Continental Congress,* No. 136, III, folio 647.

[2] A letter from Jonas Fay and Paul Spooner, dated August 26, 1779, was read on this day. It is in the *Papers of the Continental Congress,* No. 41, I, folio 257.

[3] This latter is in the *Papers of the Continental Congress,* No. 152, VII, folio 625; Lee's report is on folio 629.

[4] Meek's petition is in the *Papers of the Continental Congress,* No. 42, V, folio 163; that of Levy, dated August 26, is in No. 42, IV, folio 208.

A letter, of 23, from the Board of War, was read:

Ordered, That it be referred to the Committee of Commerce.

A letter, of 26, from Benjamin Randolph, was read:

Ordered, That it be referred to the Committee on Appeals.

A letter, of 27, from the Board of War, was read, enclosing a paper signed, Samuel Hunter, Matthew Smith, James Jenkins and Robert Martin, relative to rations issued to a number of the inhabitants of Pensylvania who suffered by the incursions of the savages:[1]

Ordered, That an extract of the said letter, together with a copy of the paper inclosed be transmitted to the supreme executive council of Pensylvania, and that the State of Pensylvania be requested to cause the rations, furnished by commissaries of the United States to the distressed inhabitants of their frontiers, to be replaced.

Another letter, of this day, from the Board of War, was read, with sundry papers enclosed:[2]

Ordered, That the same be returned to the Board and that the Board take order thereon.

The committee to whom was referred the letter of the 15th from General Washington, with the papers enclosed relative to the western expedition, brought in a report; Whereupon,

Resolved, That the plan prepared by General Washington for conducting the western expedition, is in the opinion of Congress wise and judicious; that the measures he has taken for the execution of it are proper and prudent; and that Congress are perfectly satisfied with the General's conduct relative to the same.

Resolved, That Mr. [William] Paca be appointed a member of the Committee on Appeals, in the room of Mr. [Edmund] Randolph, who is absent.

[1] The report of the Board of War is in the *Papers of the Continental Congress*, No. 147, III, folio 581; the enclosed paper is on folio 585.

[2] This letter is in the *Papers of the Continental Congress*, No. 147, III, folio 587. The enclosures are on folios 591–601.

Resolved, That to morrow morning, immediately after reading the journal, Congress take into consideration the report of the committee on Mr. [Elbridge] Gerry's resolutions relative to finance.

Resolved That a member be added to the Committee on the Treasury, in the room of Mr. [James] Duane, who is absent:

The member chosen, Mr. [Joseph] Hewes.

Adjourned to 10 oClock to Morrow.

SATURDAY, AUGUST 28, 1779

A letter, of 21, from General Washington, was read, enclosing a number of papers marked from number 1 to 6.

Another letter, of 23, from the same, enclosing a letter from Colonel Butler, was read:

Ordered, That these be referred to the Board of Treasury.

A letter, of 27, from George Kennedy, was read:

Ordered, That the same be referred to the Committee of Commerce, who are empowered to take order thereon.

A letter, of 21, from Captain [George] Geddes, of the private armed vessel, *Holker*, was read, enclosing a number of original letters intercepted on board vessels he has captured:[1]

Ordered, That the same be referred to the Committee of Intelligence.

According to order, Congress took into consideration the report of the committee relative to finance, and some time being spent thereon,

Adjourned to 10 o'Clock on Monday.

[1] The letters of Washington are in the *Papers of the Continental Congress*, No. 152, VII, folios 605, 669; that of Butler, on folio 673; that of Geddes, in No. 78, X, folio 153.

MONDAY, AUGUST 30, 1779

Resolved, That the five hundred thousand dollars, which by a resolution of the 24th instant were ordered to be transmitted for the use of the State of Georgia to the executive authority thereof, be sent to Joseph Clay, Esq. pay master to the department of South Carolina and Georgia; and that he be directed to pay the same to the order of the governor and executive council of the said State of Georgia, established agreeable to the constitution of the said State, or in case no such establishment shall have been made, to be otherwise disposed of as the said J. Clay, Esq. with the advice of Major General Lincoln, or the commander of the forces in that department for the time being, shall judge most conducive to the service and welfare of the said State of Georgia.[1]

A letter, of 17 March last, from W. Lee, Esq. was read.

A motion was made by Mr. [John] Witherspoon, seconded by Mr. [James] Searle,

That the dispatches of this day be postponed, that Congress may proceed to the business of finance.

On which, the yeas and nays being required by Mr. [Henry] Laurens,

New Hampshire,			*Connecticut,*		
Mr. Whipple,	ay	div.	Mr. Huntington,	no	no
Peabody,	no		Root,	no	
Massachusetts Bay,			Spencer,	no	
Mr. Holten,	ay	div.	*New York,*		
Partridge,	no		Mr. Jay,	ay	div.
Rhode Island,			Lewis,	no	
Mr. Marchant,	no	no			

[1] In transmitting this resolution to Governor Glascock, Jay wrote: "Permit me to observe that the transactions of Persons who may undertake to act as spies for us ought to be kept as secret as possible, and not unnecessarily exposed to the risque of detection; your Letter upon this subject was rather too particular."

New Jersey,			*Maryland,*		
Mr. Witherspoon,	ay	ay	Mr. Paca,	ay	div.
Scudder,	no		Forbes,	no	
Fell,	ay		*Virginia,*		
Pennsylvania,			Mr. Smith,	no	*
Mr. Armstrong,	no	div.	Fleming,	ay	
Shippen,	no		*North Carolina,*		
Atlee,	ay		Mr. Harnett,	ay	ay
Searle,	ay		Sharpe,	ay	
Delaware,			*South Carolina,*		
Mr. Dickinson,	ay	div.	Mr. Laurens,	no	no
McKean,	no		Mathews,	no	

So it passed in the negative.

Congress proceeded in reading the dispatches, when

Another letter from W. Lee, Esq. was read, dated Frankfort on the Mayn, in Germany, March 8, and Paris, March 16.

A letter, of 26, from the president of the State of Delaware, was read,[1] informing that the act of that State, prohibiting the exportation of flour, grain, &c. expires the 1st day of September, &c. Whereupon,

On motion of Mr. [Henry] Marchant, seconded by Mr. [William] Paca,

Resolved, That the president of the State of Delaware be informed, it is the wish of Congress that the embargo might be continued until he shall be further informed from Congress.

A petition of Elizabeth Preston, was read:

Ordered, That it be referred to the Board of War, and that they take order thereon.

A memorial of Garret Rapalje was read:

Ordered, That the consideration thereof be postponed until the memorialist shall produce a letter of recommendation from Governor Livingston.

A letter, of the 29, from John Hazelwood & Co. was read:[2]

[1] This letter is in the *Papers of the Continental Congress*, No. 70, folio 709.

[2] The petition of E. Preston, dated August 26, is in the *Papers of the Continental Congress*, No. 42, VI, folio 222; that of Rapalje, dated August 28, is in No. 41, VIII, folio 276; the letter of Hazelwood, in No. 78, XI, folio 451.

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

A letter, of 27, from the governor of New Jersey, enclosing a letter to him from Mr. Musco Livingston, was read:

Ordered, That the same be referred to the Marine Committee.

A letter, of 27, from Jonas Fay and Paul Spooner,[1]

And two letters, both of 26 April last, from Arthur Lee, Esq. were read.[2]

Adjourned to 10 o'Clock to Morrow.

TUESDAY, AUGUST 31, 1779

Mr. [Henry] Laurens, one of the delegates for the State of South Carolina, having informed Congress, that he had conceived himself treated with disrespect by the Secretary of Congress,

Ordered, That a committee of three be appointed to enquire into the complaint made by Mr. Laurens, and that the committee do at the same time hear the Secretary in his vindication:

The members chosen, Mr. [William Churchill] Houston, Mr. [Samuel] Huntington, and Mr. [William] Paca.

A letter, of 27, from J. Harvie, directed to the delegates of the State of Virginia, was laid before Congress, and read:[3]

Ordered, That the same, together with the letter, of 27, from the Board of War, be referred to a committee of three:

The members chosen, Mr. [Nathaniel] Scudder, Mr. [John] Mathews, and Mr. [Henry] Marchant.

A letter, of 27, from Captain Silas Talbot, of the *Argo*, was read:

[1] This letter is in the *Papers of the Continental Congress*, No. 41, I, folio 263.

[2] One of these letters is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 139.

[3] This letter is in the *Papers of the Continental Congress*, No. 78, XI, folio 447.

Ordered, That it be referred to the Committee of Intelligence and to the Marine Committee.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, SEPTEMBER 1, 1779

The Marine Committee report, that it is necessary an agent for prizes be appointed for the State of New Jersey; Whereupon,

Resolved, That Okey Hoaglandt, Esq. be appointed agent for prizes for the State of New Jersey.

A letter, of 27 February, and one, of 1 March last, from J. Adams, Esq. at Paris, were read.[1]

A letter, of 31 August, from the Board of War, was read, informing Congress that Major Scull has signified his intention to resign his office of secretary to that Board, and recommending Captain Benjamin Stoddert to fill that office; Whereupon,

Congress proceeded to a choice; and, the ballots being taken, Captain Benjamin Stoddert was unanimously elected secretary to the Board of War.

Another letter, of 31 August, from the Board of War, was read, enclosing a copy of general orders issued to the troops under his command by Major General Sullivan, reflecting upon the Board; and representing that the characters of the Board are made very free with in General Sullivan's army, who being under a deception, censure the members with great bitterness, and therefore requesting the favour of Congress to appoint a committee to examine into their conduct and proceedings on this subject; Whereupon,

Ordered, That a committee of three be appointed for the purpose above mentioned:

[1] These letters are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 69, 71.

The members chosen, Mr. [John] Mathews, Mr. [Jesse] Root, and Mr. [John] Armstrong.

A letter, of 27 August, from the Board of War, was read; Whereupon,

WAR OFFICE, *August 27, 1779.*

There has been for some time an unfortunate dispute between Colonel Bland, commanding at the post of Charlottville, and Col Aylett, the D. C. G. of Purchases, in whose district that post is comprehended. Much embarrassment to the business of supplies, as well as in the settlement of the public accounts, is likely to ensue from this misunderstanding. We do not see any method of preventing the like inconveniences but by directing the Commissary General of Purchases to appoint a person solely for the purpose of supplying the convention troops, confining his purchases to places from whence supplies cannot conveniently be drawn for the Army. This plan falls in with the original intention of Congress, as we conceive, in sending the Convention troops to their present place of residence, that they might consume the provisions which could not be of use to our troops, and thereby avoid interfering with the supplies which can be conveniently transported to the Army. The accounts too for the supplies to these prisoners can be in this way kept more distinct and therefore can be more easily settled.

Colonel Bland is exceedingly well calculated for the Station he now fills, but is uneasy under his situation, as it exposes him to infinite trouble and very heavey expence. The dignity of the Nation depends in some degree on our Officers in circumstances like Colonel Bland's not being exposed to the contempt of the British prisoners by an appearance in point of living inferior to the Station they hold. We would not wish them to keep pace with British luxury. But they ought in our opinion to have much more refreshments, as well as common provisions, than the regulations of the Commissaries department hold us out in directing to be delivered. Colonel Bland is obliged to see a great deal of Company, and to make a decent appearance in his quarters as to the Articles of his Table. He has drawn orders on the Commissary for supplies which could not be furnished him or at least were not supplied by M^r^ Aylett, and when we were consulted on the subject we could not advise M^r^ Aylett's complying with Colonel Bland's requisition. We will therefore take the liberty of recommending the following resolutions:

Resolved, That the commissary general of purchases be directed to appoint a deputy, for the special purpose of providing for the troops of the convention of Saratoga and their guards during their stay in Virginia:

On passing this, the yeas and nays being required by Mr. [Henry] Laurens,

New Hampshire,			*Pennsylvania*,		
Mr. Whipple,	ay	div.	Mr. Armstrong,	no	no
Peabody,	no		Shippen,	no	
Massachusetts Bay,			*Delaware*,		
Mr. Holten,	ay	div.	Mr. M'Kean,	no	no
Partridge,	no		*Maryland*,		
Rhode Island,			Mr. Paca,	ay	ay
Mr. Marchant,	ay	ay	Forbes,	ay	
Connecticut,			*Virginia*,		
Mr. Huntington,	ay	ay	Mr. Smith,	ay	*
Root,	ay		Fleming,	ay	
Spencer,	ay		*North Carolina*,		
New York,			Mr. Harnett,	ay	ay
Mr. Jay,	ay	*	Sharpe,	ay	
New Jersey,			*South Carolina*,		
Mr. Scudder,	ay	ay	Mr. Laurens,	no	div.
Fell,	ay		Mathews,	ay	
Houston,	ay				

So it was resolved in the affirmative.

Resolved, That he give orders to the said deputy to confine his purchases, to places from whence supplies for the armies of these states cannot conveniently be drawn.

Resolved, That the accounts of supplies for the said convention troops be kept distinct from the accounts of those purchased for, and issued to, the troops of the United States.

That Colonel Bland or Officer stationed at the post for the purpose of directing the business relative to the Prisoners, and having also the Military Command, shall be furnished with such articles of refreshment and extra quantities of provisions for the use of his table as the executive of the State of Virginia shall, on returns made to them of the quantities desired, think proper and necessary: or,

That the sum of dollars p[r] month be allowed to Colonel Bland during his command at the post of Charlottville to defray the extra expence he is necessarily subjected to from his situation there.[1]

Ordered, That the farther consideration of the said letter be postponed.

A letter, of 24 August, from Captain Geddes, of the *Holker*, a private armed vessel, was read.[2]

Congress proceeded in reading Mr. A. Lee's letter of 20th April last, and some progress being made therein,

A motion was made by Mr. [John] Mathews, seconded by Mr. [Thomas] McKean, to postpone the farther reading; on which, the yeas and nays being required by Mr. [John] Jay,

New Hampshire,			*New Jersey*,		
Mr. Whipple,	ay	div.	Mr. Scudder,	no	ay
Peabody,	no		Fell,	ay	
Massachusetts Bay,			Houston,	ay	
Mr. Gerry,	ay	ay	*Pennsylvania*,		
Holten,	ay		Mr. Armstrong,	ay	ay
Partridge,	ay		Shippen,	ay	
Rhode Island,			Wynkoop,	ay	
Mr. Marchant,	ay	ay	*Delaware*,		
Collins,	ay		Mr. McKean,	ay	ay
Connecticut,			*Maryland*,		
Mr. Huntington,	ay	ay	Mr. Paca,	ay	ay
Root,	ay		Carmichael,	ay	
Spencer,	ay		Forbes,	no	
New York,			*Virginia*,		
Mr. Jay,	no	*	Mr. Smith,	no	*
			Fleming,	no	

[1] This report is in the *Papers of the Continental Congress*, No. 147, III, folio 603.

Another letter, of the 27th, deals with the construction of barracks for the Convention troops at Charlotteville Va., and is on folio 607. It closes with the following proposed resolution:

"That the sum of thousand dollars be allowed to Col. John Harvie as an indemnification for his necessary expenditures in the public service during a space of six months, while directing the construction of the barracks at Charlotteville, superintending the Convention troops, and managing the whole business at the post."

[2] This letter is in the *Papers of the Continental Congress*, No. 78, X, folio 157.

North Carolina,			*South Carolina,*		
Mr. Harnett,	ay		Mr. Laurens,	no	
Hewes,	ay	ay	Mathews,	ay	div.
Sharpe,	ay				

So it was resolved in the affirmative.

Congress proceeded to the consideration of the report of the committee relative to finance:

On motion of Mr. [Thomas] M'Kean, seconded by Mr. [Meriwether] Smith,

Resolved, That the farther consideration of the report be postponed.

A motion was then made by Mr. [Thomas] M'Kean, seconded by Mr. [William Churchill] Houston, in the words following:

Whereas it is inexpedient to derive the supplies for a continuance of the present war from emissions of bills of credit:

Resolved, That Congress will, on no account whatever, emit more bills of credit than to make the whole amount of such bills two hundred millions of dollars:

Nor will they emit the forty millions necessary to compleat that sum, provided a sufficient supply of money for the public exigencies can be obtained by other means.

A division being required, when the question was about to be put on the first clause, the previous question was moved by Mr. [Henry] Laurens, seconded by Mr. [Meriwether] Smith: on which the yeas and nays being required by Mr. [Henry] Laurens,

New Hampshire,			*Connecticut,*		
Mr. Whipple,	no		Mr. Root,	no	no
Peabody,	no	no	*New York,*		
Massachusetts Bay,			Mr. Jay,	no	*
Mr. Gerry,	no		*New Jersey,*		
Holten,	no	no	Mr. Scudder,	no	
Partridge,	no		Fell,	no	no
Rhode Island,			Houston,	no	
Mr. Collins,	no	no			

Pennsylvania,		
Mr. Armstrong,	no	no
Shippen,	no	
Wynkoop,	no	
Delaware,		
Mr. M'Kean,	no	no
Maryland,		
Mr. Carmichael,	no	no
Paca,	no	
Forbes,	ay	
Virginia,		
Mr. Smith,	ay	ay
Griffin,	no	
Fleming,	ay	
North Carolina,		
Mr. Harnett,	no	no
Hewes,	no	
Sharpe,	no	
South Carolina,		
Mr. Laurens,	ay	div.
Mathews,	no	

So it passed in the negative.

The main question was then put, on which the yeas and nays being required by Mr. [Meriwether] Smith,

New Hampshire,		
Mr. Whipple,	ay	ay
Peabody,	ay	
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Holten,	ay	
Partridge,	ay	
Rhode Island,		
Mr. Collins,	ay	ay
Connecticut,		
Mr. Root,	ay	ay
New York,		
Mr. Jay,	no	*
New Jersey,		
Mr. Scudder,	ay	ay
Fell,	ay	
Houston,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Shippen,	ay	
Wynkoop,	ay	
Delaware,		
Mr. M'Kean,	ay	ay
Maryland,		
Mr. Carmichael,	ay	ay
Paca,	ay	
Forbes,	no	
Virginia,		
Mr. Smith,	no	no
Griffin,	ay	
Fleming,	no	
North Carolina,		
Mr. Harnett,	ay	ay
Hewes,	ay	
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	no	div.
Mathews,	ay	

So it was resolved in the affirmative.

Resolved, That the consideration of the second clause be postponed.

Adjourned to 10 oClock to Morrow.